



MESSAGES OF THE PRESIDENT
JOSEPH EJERCITO ESTRADA

1998-2001

BOOK 13 | VOLUME 5

Administrative Orders



President Joseph Ejercito Estrada, Thirteenth President of the Philippines,
Third President of the Fifth Republic.



MESSAGES OF THE PRESIDENT

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Messages of the President Book 13: Joseph Ejercito Estrada Volume 5

Presidential Communications Development and Strategic Planning Office

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INTRODUCTION

As the President's chief message-crafting body, the Presidential Communications Development and Strategic Planning Office (PCDSPO), is mandated to provide strategic communication leadership and support to the Executive Branch, its composite agencies, and instrumentalities of government.

The PCDSPO is also mandated to act as custodian of the institutional memory of the Office of the President. One of our projects is the continuation of the series of books called the Messages of the President, started in 1936 by Jorge B. Vargas, Executive Secretary to President Manuel L. Quezon. The series was a wide collection of executive issuances, speeches, messages, and other official papers of the President. The volumes were intended to serve as the definitive compilation of presidential documents. The series was continued until the Quirino administration, although the series for the Presidential administrations of Presidents Quezon, Roxas, and Quirino were never completed.

In 2010, President Benigno S. Aquino III ordered the revival of the series and the constitution of a complete set, covering all 15 presidential administrations. With pride, we continue what Vargas began.

We would like to extend our gratitude to our partners for without whose gracious cooperation, this project would have not been possible.

A note on organization: Each presidential administration's messages are in book form, compiled and subdivided into volumes. The books are as follows:

- Book 1: Emilio Aguinaldo
- Book 2: Jose P. Laurel
- Book 3: Manuel L. Quezon
- Book 4: Sergio Osmeña
- Book 5: Manuel Roxas
- Book 6: Elpidio Quirino
- Book 7: Ramon Magsaysay
- Book 8: Carlos P. Garcia
- Book 9: Diosdado Macapagal
- Book 10: Ferdinand E. Marcos
- Book 11: Corazon C. Aquino
- Book 12: Fidel V. Ramos
- Book 13: Joseph Ejercito Estrada
- Book 14: Gloria Macapagal-Arroyo
- Book 15: Benigno S. Aquino III

Each book is subdivided into the following volumes:

- Volume 1: Official Week/Month in Review
 - Volume 2: Appointments and Designations
 - Volume 3: Historical Papers and Documents
 - Volume 4: Executive Orders
 - Volume 5: Administrative Orders
 - Volume 6: Proclamations
-

Volume 7: Other issuances

Volume 8: Cabinet minutes

We hope that this collection will be a useful and vital reference for generations to come.

PREFACE

On July 30, 2010, President Benigno S. Aquino III issued Executive Order No. 4, which effectively renamed what was previously called the Malacañang Museum into the Presidential Museum and Library (PML) and placed it under the supervision and control of the Presidential Communications Development and Strategic Planning Office (PCDSPO). The PML is responsible for preserving, managing, and promoting the history and heritage of the Philippine presidency. It is the principal historical and artistic repository in support of the institution of the presidency, for the benefit of the Republic and the Filipino people. In partnership with the PCDSPO, which has pioneered the publication of the Official Gazette of the Republic of the Philippines as a web archive and information website, the PML has taken this mandate and placed it on the cutting edge of the information age.

Much has been done over the past years, under the administration of President Aquino III, to digitize executive issuances, speeches, letters, and other presidential papers; and publish them online. The project is not limited to a single administration, nor does it discriminate. This collection, published as databases, as well as print and e-publications, includes documents from the presidency of Emilio Aguinaldo to the current Aquino administration. This represents the government's allegiance to transparency, continuity, and the fostering of an informed citizenry, as well as an effort, in earnest, to preserve the institutional memory of the Presidency. All this was done not just for the posterity, but for the current generation and the ongoing task of nation building.

The PML are proud partners of the Official Gazette and PCDSPO team, to whom we made the collections available. We sincerely hope that this series will serve as a vital reference to educators, students, journalists, lawyers, historians, and the public at large.

FOREWORD

This is the fifth volume of President Joseph Ejercito Estrada's official papers, which constitutes the 13th book of the Messages of the President series. The series was started in 1936 by Executive Secretary Jorge B. Vargas, during the first year in office of Manuel L. Quezon, the first President of the Commonwealth of the Philippines. This volume collects President Estrada's Administrative Orders, which relate to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department.

BOOK 13

PRESIDENT JOSEPH EJERCITO ESTRADA

President Joseph Ejercito Estrada was the thirteenth President of the Philippines and was the third President of the fifth Republic. He assumed office on June 30, 1998 due to allegations of corruption that resulted to impeachment trial, the administration of President Joseph Ejercito Estrada was peacefully overthrown by People Power II. He was President until January 20, 2001.

The Executive Issuances of President Joseph Ejercito Estrada began with Administrative Order No. 1 and Memorandum Order No. 1, signed on June 30, 1998 and ended with Memorandum Order No. 135 which was signed on January 16, 2001.

President Joseph Ejercito Estrada's documents were gathered from its official sources such as the Official Gazette of the Philippines; Malacañang Records Office's Book of Executive Issuances; SONA Technical Report; and from the website archive.org.

The American Psychological Association (APA) style was used for the citation. The titles that have been provided by the researchers are enclosed in square brackets, considering that the exact wordings and its order were not verbatim from the document being described. Book titles are italicized while the speech titles are not. If in any case that the book title is the same as the title of the speech, it is transcribed in italics because it is the book title.

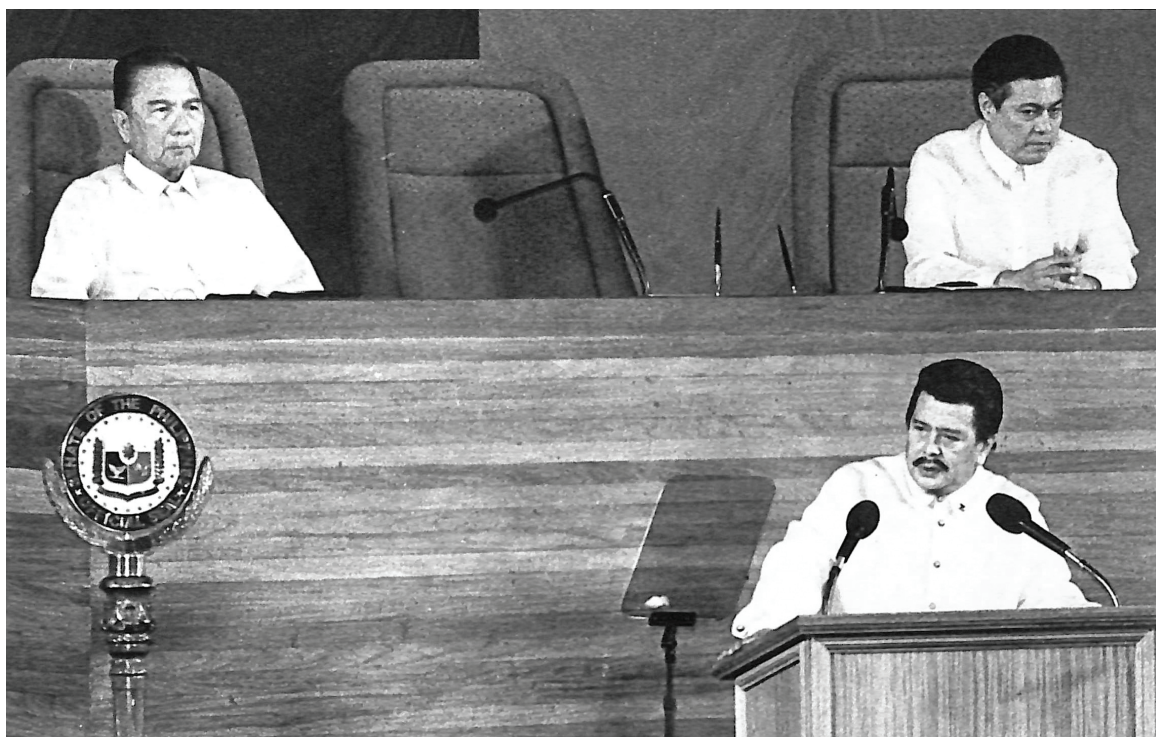
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President Joseph Ejercito Estrada delivers his first State of the Nation Address, July 28, 1998. Listening intently were the late Senate President Marcelo Fernan and House Speaker Manuel Villar.



MESSAGES OF THE PRESIDENT

JOSEPH EJERCITO-ESTRADA

1998-2001

BOOK 13 | VOLUME 5
Administrative Orders



President Joseph Ejercito Estrada at the anniversary of the Armed Forces of the Philippines
with then AFP Chief of Staff Joselin Nazareno.

ADMINISTRATIVE ORDERS

An Administrative Order relates to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department. The Administrative Orders of President Joseph Ejercito Estrada began on June 30, 1998 with Administrative Order No. 1 and ended on January 5, 2001 with Administrative Order No. 145.

MALACAÑANG

ADMINISTRATIVE ORDER NO. 1

RECALLING, WITHDRAWING, AND CANCELLING THE APPOINTMENT OF
RICHARD J. GORDON AS CHAIRMAN OF THE SUBIC BAY METROPOLITAN AUTHORITY
FOR A TERM OF SIX (6) YEARS, DATED FEBRUARY 10, 1998, MADE BY FORMER
PRESIDENT FIDEL V. RAMOS

WHEREAS, the appointment of Richard J. Gordon as Chairman of the Subic Bay Metropolitan Authority for a term of six (6) years dated February 10, 1998, made by former President Fidel V. Ramos, is null and void;

NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby recall, withdraw, and cancel the aforesaid appointment of Richard J. Gordon as Chairman of the Subic Bay Metropolitan Authority.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of June, in the Year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA
President of the Philippines

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 2

GUIDELINES IN FILLING UP TEMPORARY VACANCIES IN LOCAL ELECTIVE OFFICES
WHERE ALL OR SOME OF THE WINNING CANDIDATES IN THE MAY 11, 1998 ELECTIONS
HAVE NOT YET BEEN PROCLAIMED AND/OR A FAILURE OF ELECTIONS WAS DECLARED
BY THE COMMISSION ON ELECTIONS

WHEREAS, in the May 11, 1998 elections, the winning candidates for several local elective offices have not been proclaimed, either totally or partially, due to pre-proclamation controversies, or a failure of elections had been declared by the Commission on Elections;

WHEREAS, pursuant to Section 16 of Republic Act No. 7166, otherwise known as the Synchronized Elections Law of 1991, in meritorious cases, the COMELEC continued to take cognizance of pre-proclamation cases even beyond June 30, 1998;

WHEREAS, the consequential effect of the non- or partial proclamation of all the winning candidates in the elective offices as well as the declaration of a failure of elections in the local government units affected is the occurrence of temporary vacancies therein;

WHEREAS, neither the existing election laws nor the Local Government Code of 1991 (RA 7160) provide for contingencies of this nature;

WHEREAS, to prevent hiatus in and paralyzation of local government operations, there is an urgent need to provide a legal remedy therefor, pursuant to the President's constitutional powers of appointment and general supervision over local governments vis-a-vis his residual powers (Sec. 16, Art. VII and Sec. 4, Art. X, 1987 Constitution; Sec. 20, Chap. 7, Title II, Administrative Code of 1987);

NOW, THEREFORE, I, JOSEPH E. ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby promulgate the following guidelines:

SECTION 1. *No Proclamation/Failure of Election.* (a) In LGUs where all of the local elective officials have not been proclaimed or where a failure of election had been declared by the Commission on Elections, the President of the Philippines shall designate Officers-in-Charge for the offices of the governor, vice-governor, mayor, vice-mayor and the members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan: *Provided*, however, That any designee has not been a candidate for any elective position during the recently concluded elections; and *Provided*, further, That the OIC-designate possesses all the qualifications and none of the disqualifications prescribed for elective offices.

SEC. 2. *Partial Proclamation.* – In LGUs where the newly elected local officials have partially been proclaimed, the rule on automatic succession provided for under Chapter 2, Title II, Book I of the Local Government Code of 1991 (RA 7160) shall strictly be observed in filling-up any temporary vacancy arising therefrom.

SEC. 3. *For LGUs Within The Autonomous Region in Muslim Mindanao.* – (a) In case the temporary vacancy in the local elective offices is brought about by a failure of election declared by

the Commission on Elections or where all of the local elective officials have not been proclaimed, the ARMM Regional Governor shall designate officers-in-charge for the offices of the governor, vice governor, mayor, vice mayor, and members of the sangguniang panlalawigan, sangguniang panlungsod and sangguniang bayan upon the recommendation of the Regional Secretary of the Department of the Interior and Local Government, ARMM: Provided, however, That any designee has not been a candidate for any elective position during the recently concluded elections: and Provided, further, That the OIC-designate possesses all the qualifications and none of the disqualifications prescribed for an elective office (Sec. 1, Muslim Mindanao Autonomy Act No. 40, amending Sec. 41, ARMM LGC).

(b) In case the temporary vacancy is due to a partial proclamation, the rule on automatic succession prescribed under Section 41, Chapter 2, Title II, Book I of the ARMM Local Government Code shall be strictly observed in filling up any temporary vacancy arising therefrom (Article 537 (g) (3), Rules and Regulations Implementing the ARMM Local Government Code)

SEC. 4. General Guidelines. – (a) The Officers-in-Charge designated pursuant to this Administrative Order shall hold office until such time that the duly local elected officials shall have been proclaimed and have qualified.

(b) The designated OICs in the office of the local chief executive shall perform all the regular duties and responsibilities of their respective offices, as provided for by law, except the following:

- b.1 appointment, suspension or dismissal of local government officials and employees;
- b.2 creation and filling-up of positions whether regular, contractual or casual;
- b.3 reorganization of local government offices;
- b.4 solemnization of marriages;
- b.5 revision of duly approved local development plans; and
- b.6 approval of contracts other than those needed to keep the day-to-day operations going.

(c) The OICs designated pursuant to this Administrative Order shall act with the highest degree of integrity, impartiality and fairness at all times.

Be guided accordingly.

SEC. 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of July, in the year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 3
AMENDING ADMINISTRATIVE ORDER NO. 376 DATED 23 JANUARY 1998
“CONSTITUTING THE ECONOMIC MONITORING AND MOBILIZATION TASK FORCE”

WHEREAS, the Economic Monitoring and Mobilization Task Force was constituted to address the economic problems brought about by the Asian financial crisis;

WHEREAS, the government has initiated measures to respond to the challenges brought by the crisis such as prudent fiscal management and strengthened regulation of the financial sector;

WHEREAS, there is a need to re-constitute the Economic Monitoring and Mobilization Task Force in order to enhance coordination among the key economic players and expedite the implementation of measures to stabilize and sustain the economy’s growth trajectory;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 376 dated 23 January 1998, and order the following:

Section 1. *Reconstituting the Economic Monitoring and Mobilization Task Force.* Section 1 of AO 376 is hereby revised to read as follows:

“**Section 1.** The Economic Monitoring and Mobilization Task Force is hereby reconstituted under the Office of the President. The Task Force shall be composed of the following:

Executive Secretary	–	Chairman
Secretary, Department of Trade and Industry	–	Co-Chairman
Secretary, Department of Agriculture	–	Member
Director General, NEDA and Secretary of Socio-Economic Planning	–	Member
Secretary, Department of Finance	–	Member
Secretary, Department of Budget and Management	–	Member
Secretary, Department of Labor and Employment	–	Member
Secretary, Department of Energy	–	Member
Head, Presidential Management Staff	–	Member
Press Secretary	–	Member
Presidential Adviser on Economic Affairs and Flagship Projects	–	Member
Undersecretary, Department of the Interior and Local Government	–	Member
Five (5) Representatives from the Private Sector	–	Members

The private sector representatives shall come from the Philippine Chamber of Commerce and Industry; the Makati Business Club; the Philippine Exporters Confederation, Incorporated; the Employers Confederation of the Philippines; and the Federation of Filipino-Chinese Chambers of

Commerce and Industry Incorporated. A representative from the Bangko Sentral ng Pilipinas may also be invited as resource person during the meetings of the Task Force.”

Section 2. *Technical Working Group.* The Task Force may set-up technical working groups consisting of representatives from its member-agencies and other agencies as may be deemed necessary, to provide technical support to the Task Force.

Section 3. *Repealing Clause.* All issuances, orders, rules, and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order is hereby repealed or modified accordingly.

Section 4. *Reporting.* The Task Force shall submit monthly reports to the President, through the Presidential Management Staff, on the economic and financial situation of the country and the measures taken by concerned agencies.

Section 5. *Administrative Support.* The Department of Trade and Industry shall provide overall administrative support to the Task Force. The Task Force may also call on any member agency to extend to it technical support and assistance as may be required.

Section 6. *Effectivity.* This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on this 13th day of July, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Management Staff**

Office of the President of the Philippines. (1998). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Management Staff.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 4
DROPPING MS. MARIVIC V. BONITA FROM THE ROLLS OF THE
DEPARTMENT OF FOREIGN AFFAIRS

This refers to the case of Ms. Marivic V. Bonita, Foreign Service Officer, Class II, who has been absent without leave (AWOL) from the Department of Foreign Affairs since 17 March 1997.

Ms. Bonita's official tour of duty at the Philippine Consulate-General in Agana ended on 05 August 1996 under DFA Administrative Order No. 359-96 dated 20 May 1997. While still in Guam, however, she applied for and was granted a leave of absence for medical reasons during the period 30 September 1996-14 March 1997, or a total of 116 working days. She was obliged to work on 17 March 1997 but failed to do so. Consequently, on 25 March 1997, Ms. Bonita was given a warning by the Department on her AWOL status and was directed to report to work within five (5) days from receipt of said notice.

On 09 April 1997, Ms. Bonita conveyed to the Department her regret for failing to comply with the order to report for work and her intention to resign from government service due to disability. Upon her request, the Department advised her on 14 April 1997 on the steps involved in the process of resignation from the service. No further word was received from Ms. Bonita until she appeared in person in the Department on 10 July 1997 to express her intention to report for work beginning 01 August 1997. She belatedly filed vacation and sick leave applications covering the period 17 March to 31 July 1997, approval of which was held in abeyance pending submission of written explanations on her failure to comply with the Department's return-to-work order, on her absences without an approved leave from 17 March 1997 to 10 July 1997 (a total of 116 calendar days) and on her continued failure to settle several outstanding debts she incurred in Guam.

In a memorandum dated 06 August 1996, Ms. Bonita informed the Department that she would submit her explanation on 07 August 1997 to date (24 March 1998), therefore, her absences without an approved leave total 363 calendar days.

WHEREFORE, in accordance with Civil Service Memorandum Circular No. 12, series of 1994, which states that:

“a. An officer or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) calendar days shall be separated from the service or dropped from the rolls without prior notice. He shall however be informed of his separation from the service not later than five (5) days from its effectivity which shall be sent to the address appearing on his 201 file; and

“b. If the number of unauthorized absences incurred is less than thirty (30) calendar days, written return work order shall be served on the official or employee at his last known address on record. Failure on his part to report for work within the period stated in the order shall be a valid ground to drop him from the rolls”,

this Office hereby orders that Ms. Marivic V. Bonita be DROPPED FROM THE ROLLS of the Department of Foreign Affairs, effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hands and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 9th day of July, in the year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 5
CONSTITUTING THE AD-HOC COMMITTEE ON THE UTILIZATION AND DISPOSITION
OF REAL PROPERTIES OF THE PHILIPPINE GOVERNMENT
LOCATED LOCALLY AND ABROAD

WHEREAS, the Philippine Government, through its departments, bureaus, offices, agencies and instrumentalities, including government-owned-and-controlled corporations, owns various real properties throughout the country and abroad;

WHEREAS, a Committee on the Disposition of the Real Properties of the Republic of the Philippines Located Abroad was constituted under the Office of the President (OP) pursuant to Administrative Order (AO) No. 8 (dated 11 September 1992) to advise the President on the disposition of real properties owned by the Philippine Government located abroad;

WHEREAS, an Ad-Hoc Committee on the Disposition of Idle Properties of the Philippine Government Located in the Philippines was likewise created under OP by virtue of AO No. 9 (dated 11 September 1992) to recommend to the President the development and disposition of these properties;

WHEREAS, the above Ad-Hoc Committee was amended by AO No. 210 (dated 11 August 1995), transferring the chairmanship of the Ad-Hoc Committee from the Office of the President to the Department of Environment and Natural Resources;

WHEREAS, there is a need to centralize in the Office of the President the inventory and review of government-owned real properties located both locally and abroad, so that government can prepare and pursue an optimum utilization and/or disposition plan for the same to generate resources for its pro-poor programs and projects;

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 grants the President of the Philippines a continuing authority to reorganize the Office of the President by, among others, transferring any agency or function of any executive department to the Office of the President.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. *Constituting the “Ad-Hoc Committee on the Utilization and Disposition of Real Properties of the Philippine Government Located Locally and Abroad”.* There is hereby constituted under the Office of the President, an “Ad-Hoc Committee on the Utilization and Disposition of Real Properties of the Philippine Government Located Locally and Abroad”, referred hereafter as the “Committee”.

This Committee shall replace the “Ad-Hoc Committee on the Disposition of Idle Properties of the Philippine Government Located in the Philippines” created under AO No. 9 (s. 1992) and the “Committee on the Disposition of the Real Properties of the Republic of the Philippines Located Abroad” created under AO No. 8 (s. 1992), both of which are hereby abolished.

SECTION 2. *Composition.* The Committee shall be composed of the following members:

Executive Secretary	–	Chairperson
Head, Presidential Management Staff	–	Vice-Chairperson
Secretary, Department of Foreign Affairs	–	Member
Secretary, Department of Justice	–	Member
Secretary, Department of Environment and Natural Resources	–	Member
Secretary, Department of Finance	–	Member
Chairperson, Housing and Urban Development Coordinating Council	–	Member

SECTION 3. *Powers and Functions.* The Committee shall perform the following duties and functions:

- a. Conduct an inventory of all real properties (land and all its improvements) of the Philippine Government located in the Philippines and abroad;
- b. Evaluate the studies prepared by the “Ad-Hoc Committee on the Disposition of Idle Properties of the Philippine Government Located in the Philippines” and by the “Committee on the Disposition of the Real Properties of the Republic of the Philippines Located Abroad”;
- c. Review options on the utilization or disposition of the Government’s real properties; and
- d. Recommend to the President action plans for the optimum utilization/disposition of the same.

SECTION 4. *Technical/Secretariat Support.* The Presidential Management Staff shall provide technical and secretariat support to the Committee, with the assistance of the Department of Environment and Natural Resources and the Department of Foreign Affairs.

The Philippine Ambassador or the Chief of Mission and concerned staff shall likewise extend technical support to the Committee when the real property/ies located in their post of assignment shall be affected by the Committee’s study and planned disposition.

SECTION 5. *Reporting Requirements.* The Committee shall submit quarterly reports to the President on the status of its activities.

SECTION 6. *Assistance from Other Government Agencies.* All other government agencies are directed to extend full support and assistance to the Committee on the discharge of its functions.

SECTION 7. *Repealing Clause.* AO No. 8 (s. 1992), AO No. 9 (s. 1992) and AO No. 210 (s. 1995) are hereby repealed. All other issuances, orders, rules and regulations, or parts thereof, which are not consistent with any of the provisions of this Administrative Order, are also hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 20th day of July, in the year of our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 6
DEFINING THE RESPONSIBILITIES OF THE PRESIDENTIAL ASSISTANT FOR POVERTY
ALLEVIATION, NGO AND PO TO COORDINATE COUNCILS, COMMISSIONS AND
INTER-AGENCY BODIES

WHEREAS, poverty alleviation is the main agenda of the present administration and requires the utmost attention of the President;

WHEREAS, there are several councils, commissions and inter-agency bodies of the government that address poverty alleviation;

WHEREAS, it is important that the activities of these councils, commissions and inter-agency bodies be coordinated and monitored to ensure compliance with Presidential directives and pronouncements;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order councils, commissions and inter-agency bodies addressing poverty alleviation to coordinate with the Presidential Assistant for Poverty Alleviation, NGO and PO.

Hereunder is a preliminary list of these councils, commissions and inter-agency bodies, some of which are in the process of abolition or merger:

Presidential Commission to Fight Poverty
Presidential Commission for the Urban Poor
Presidential Commission for Countryside Development
National Commission on Indigenous Peoples
National Anti-Poverty Commission
Housing and Urban Development Coordinating Council
Coordinating Council of the Philippine Assistance Program

These councils, commissions, and inter-agency bodies shall notify the said presidential assistant of their meetings, conferences or workshops and furnish copies of their reports to her. The presidential assistant shall attend such meetings, conferences or workshops to represent the Office of the President.

The presidential assistant shall be informed and notified of all meetings of these councils, commissions, inter-agency bodies with the President regarding poverty alleviation. In addition, the presidential assistant shall be informed and notified of all meetings with the President by other individuals, groups or associations representing business and civil society regarding poverty alleviation.

The presidential assistant shall report directly to the President.

This Order shall take effect immediately.

DONE in the City of Manila, this 17th day of July, in the Year of Our Lord Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 7

**AUTHORIZING ATTENDANCE IN THE FIRST ASIA-PACIFIC CONFERENCE ON POLICE
EDUCATION AND TRAINING SPONSORED BY THE PHILIPPINE PUBLIC SAFETY COLLEGE
(PPSC) IN COOPERATION WITH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF
POLICE (IACP)**

WHEREAS, pursuant to Section 66, Republic Act No. 6975, the Philippine Public Safety College (PPSC), under the Department of the Interior and Local Government (DILG), is mandated to serve as the premier educational institution for the training, human resource development and continuing education of *all* members of the Philippine National Police, Bureau of Fire Protection and the Bureau of Jail Management and Penology;

WHEREAS, the PPSC System aims to promote and pursue state-of-the-art knowledge and methodologies in the sphere of public safety education and training;

WHEREAS, the PPSC, in the pursuit of its mandate, is establishing linkages with local, regional and international allied agencies to enhance its status as a public safety education and training institution;

WHEREAS, the PPSC in cooperation with the International Managers of Police Academy and College Training (IMPACT) Section of the International Association of Chiefs of Police (IACP), will host the First Asia-Pacific Conference on Police Education and Training on November 16-20, 1998 at the Mandarin Oriental Hotel, Makati City, Philippines; and

WHEREAS, the holding of the above-mentioned conference is timed with the historic commemoration of the First Centennial Celebration of Philippine Independence and will afford both foreign and local participants the rare opportunity to share and experience the highlights of this milestone in the annals of the Philippines as a sovereign democratic nation.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order as follows:

SECTION 1. *Attendance of Government Personnel.* Personnel from the Department of the Interior and Local Government (DILG), State Universities and Colleges (SUC's) and other government agencies involved in public safety education and training are authorized to attend on official time the First Asia-Pacific Conference on Police Education and Training on November 16-20, 1998 at the Mandarin Oriental Hotel, Makati City, Philippines.

SECTION 2. *Incidental Expenses.* Registration fees, billeting, travel and other incidental expenses may be charged against agency funds by participants and by PPSC as host agency, subject to the usual accounting and auditing rules and regulations.

SECTION 3. *Effectivity.* This Administrative Order shall take effect immediately.

Done in the City of Manila, this 7 day of August, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 8
CONSTITUTING A PRESIDENTIAL TASK FORCE TO MITIGATE THE EFFECTS OF THE
LA NIÑA PHENOMENON

WHEREAS, there is a high probability that a La Niña phenomenon or “cold front” will occur in the Philippines, which will bring prolonged and excessive rainfall in the country and inundate our major river basins and lowland plains;

WHEREAS, the La Niña phenomenon is expected to cause damage to infrastructure and agricultural crops, particularly rice and corn, and affect the availability and distribution of food supply in the country;

WHEREAS, a coordinated effort must be undertaken to prepare for the La Niña to minimize its adverse effect on our people;

WHEREAS, there is a need to constitute a Task Force to enhance inter-agency coordination in the formulation and implementation of measures to mitigate the effects of the La Niña, particularly in agriculture;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Constitution of a Presidential Task Force to Mitigate the Effects of the La Niña Phenomenon. There is hereby constituted a Presidential Task Force to Mitigate the Effects of the La Niña Phenomenon (hereinafter referred to as the “Task Force”). The Task Force shall be composed of the following:

Secretary, Department of Agriculture	Chairman
Secretary, Department of Environment and Natural Resources	Co-Chairman
Secretary, Department of National Defense and Chairman, National Disaster Coordinating Council	Vice-Chairman
Secretary, Department of Science and Technology	Member
Secretary, Department of Social Welfare and Development	Member
Secretary, Department of Public Works and Highways	Member
Secretary, Department of Trade and Industry	Member
Chairman, Mount Pinatubo Commission	Member
Undersecretary, Department of Interior and Local Government	Member
Administrator, National Irrigation Administration	Member
Administrator, National Food Authority	Member
President, Philippine Crop Insurance Corporation	Member
Director-General, Philippine Information Agency	Member
Director, Philippine Atmospheric Geophysical and Astronomical Services Administration	Member

Section 2. Functions of the Task Force. The Task Force shall have the following functions:

- a. Formulate a comprehensive disaster preparedness and rehabilitation plan for the La Niña phenomenon, which includes, among others, measures to control flood and reduce damage to agricultural crops and support facilities (e.g. irrigation and farm-to-market-roads), as well as interventions to ensure adequate and affordable food supply in hard-hit areas, particularly lahar-stricken areas in Central Luzon;
- b. Ensure the timely and effective implementation of the plan;
- c. Regularly monitor the implementation of the plan;
- d. Conduct a massive information campaign to educate the public on the La Niña phenomenon and the needed interventions to reduce its expected adverse impact in the country;
- e. In coordination with the Department of Budget and Management, identify possible funding sources to implement the activities of the Task Force; and
- f. Undertake such other functions as may be necessary.

Section 3. Provincial and Municipal Task Forces. The Department of Interior and Local Government is hereby directed to oversee the constitution of parallel task forces at the provincial, city and municipal levels for the effective implementation and monitoring of the plan, including the information dissemination program.

Section 4. Funding. An initial amount of P10 million is hereby allocated from the Calamity Fund to finance the operations of the Task Force.

Section 5. Administrative Support. The Department of Agriculture shall provide secretariat support to the Task Force, with the assistance of the Department of Environment and Natural Resources.

Section 6. Abolition of the Presidential Task Force on the El Niño Phenomenon. The Presidential Task Force on the El Niño Phenomenon (constituted pursuant to Presidential Directive dated 23 September 1997) is hereby abolished. For this purpose, the Presidential Task Force on the El Niño Phenomenon shall submit a terminal report to the President, through the Executive Secretary, copy furnished the Presidential Management Staff. The personnel and funds of the Secretariat of the Presidential Task Force on the El Niño Phenomenon are hereby transferred to the Presidential Task Force on the La Niña Phenomenon.

Section 7. Assistance from Other Government Entities. All government agencies and local government units are directed to extend full support to the Presidential Task Force on the La Niña Phenomenon.

Section 8. Reporting Requirements. The Task Force shall submit fortnightly reports to the President, through the Executive Secretary, copy furnished the Presidential Management Staff, on the status of its activities.

Section 9. Repealing Clause. All issuances, orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 10. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on this 19th day of August, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG PALACE
MANILA

ADMINISTRATIVE ORDER NO. 9

**EXPANDING THE COMPOSITION OF THE EXECUTIVE COMMITTEE OF THE LAND
BANK OF THE PHILIPPINES WHICH EXERCISES SUPERVISION OVER THE NATIONAL
LIVELIHOOD SUPPORT FUND**

WHEREAS, Section 2 of Administrative Order No. 75 dated August 6, 1993, mandates the Land Bank of the Philippines to exercise supervision over, among others, the National Livelihood Support Fund through an Executive Committee composed of the following:

1. President, Land Bank of the Philippines-Chairman
2. Executive Vice-President for Agrarian Operations, Land Bank of the Philippines – Member
3. Vice President, Land Bank of the Philippines-Member
4. Executive Director V, BKKK Secretariat-Member
5. A Representative of the Department of Agrarian Reform-Member

WHEREAS, the power of supervision of the Land Bank of the Philippines over the National Livelihood Support Fund is entrusted to the Executive Committee, which formulates policies, programs, activities relative to the said funds;

WHEREAS, the Executive Committee is likewise empowered to promulgate such rules and regulations necessary for the effective exercise of its power and the proper utilization and disposition of the National Livelihood Support Fund;

WHEREAS, Republic Act No. 8425 otherwise known as the Act Institutionalizing the Social Reform and Poverty Alleviation Program, creating for the purpose of the National Anti-Poverty Commission (NAPC) defining its powers and functions and for other purposes, created the NAPC;

WHEREAS, pursuant to Section 13 of RA 8425, one of the major components of the Anti-Poverty programs of NAPC is the microfinance services to the poor;

WHEREAS, Section 14 of RA 8425 mandates the People's Credit and Finance Corporation (PCFC), a government-controlled corporation, created by virtue of Administrative Order No. 148 and Memorandum Order No. 261, mandates the PCFC to be vehicle for the delivery of microfinance services for the exclusive use of the poor;

WHEREAS, Memorandum Order No. 261 required the Land Bank of the Philippines in its capacity as the supervising agency of the National Livelihood Support Fund to invest the said funds as the capitalization of the PCFC;

WHEREAS, NAPC pursuant to law, serves as the coordinating and advisory body for the implementation of the Social Reform and Poverty Alleviation Programs of the government; and

WHEREAS, NAPC in the discharge and exercise of its mandated responsibilities, it is imperative that NAPC be represented in the policy making bodies of government entities and/or government controlled corporations with anti-poverty agenda, in order to ensure a coordinated delivery of these anti-poverty assistances to the poor.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Paragraph a, of Administrative Order No. 75 dated August 6, 1993 is hereby amended, and the same shall read as follows:

“Section 2(a) the Land Bank of the Philippines shall exercise supervision over the BKKK Secretariat and the BKKK Capital Fund / National Livelihood Support Fund through an Executive Committee composed of the following:

1. President, Land Bank of the Philippines-Chairman
2. Executive Vice-President for Agrarian Operations, Land Bank of the Philippines-Member
3. Vice-President, Land Bank of the Philippines-Member
4. Executive Director V, BKKK Secretariat-Member
5. A Representative of the Department of Agrarian Reform-Member
6. Lead Convenor/Secretary-National Anti-Poverty Commission - Member

SECTION 2. All executive issuances or portions thereof inconsistent with the provisions of this Administrative Order are hereby amended, modified or repealed accordingly.

SECTION 3. This Administrative Order shall take effect immediately.

DONE IN THE City of Manila, this 13th day of August, in the year of Our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 10
STRENGTHENING AND ENHANCING THE PROCEDURES FOR SETTING THE ANNUAL
NET LENDING PROGRAM FOR GOVERNMENT OWNED AND/OR CONTROLLED
CORPORATIONS (GOCCS), AND GUIDELINES FOR THE CONVERSION OF NATIONAL
GOVERNMENT ADVANCES, INCLUDING INTEREST ON NATIONAL GOVERNMENT
ADVANCES INTO EQUITY AND/OR SUBSIDY TO GOCCS

WHEREAS, several Government Owned and/or Controlled Corporations (GOCCs) have continuously relied on the National Government (NG) for advances on the servicing of their relent and/or guaranteed domestic and foreign borrowings resulting in the distortion of the macroeconomic targets of the NG;

WHEREAS, there is a need to rationalize and improve the procedures which govern the extension of advances by the NG for the abovementioned obligations, and the conversion of NG advances, interest on net advances, into equity and/or subsidy to GOCCs;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

ARTICLE I. POLICY

SECTION 1. *Policy Orientation.* Consistent with the existing policy on the extension of advances by the NG for the servicing of guaranteed and relent domestic and foreign borrowings of GOCCs and the conversion of NG advances including interest on net advances into equity and/or subsidy to GOCCs, this Administrative Order shall enhance the existing principles and procedures in the a) programming and application of NG advances for debt servicing of GOCCs' borrowings; and b) conversion of NG advances and interest on NG advances into equity and/or subsidy.

ARTICLE II. PROCEDURES FOR OBTAINING/GRANTING NG ADVANCES

SEC. 2. *Requests for Programming of Assistance and Actual Drawdowns from the Programmed Advances.*

- (a) All requests for programming of net lending assistance should be submitted to the Department of Finance (DOF) on or before February 15 for the programming of required advances for the succeeding year; and
- (b) All applications for actual drawdowns from the net lending program should be submitted to the DOF ninety (90) days prior to the scheduled actual drawdown.

SEC. 3. *Principles and procedures in the review of proposals and recommendations on requests from GOCCs for NG Advances.*

- (a) All requests for NG advances shall be reviewed and evaluated by the DOF. Specifically, the DOF shall review and evaluate the projected receipts and expenditures of the requesting GOCC taking into consideration the reasonableness of its existing tariff structure/policy, credit and collection policy and procedures, operating and capital expenditure levels and asset management and disposal;
- (b) Advances shall be programmed only when the cash flow of the requesting GOCC which already takes into account NG subsidy and equity support, clearly indicates insufficiency of funds for the settlement of maturing obligations. After evaluation by the DOF, advances for net lending to GOCCs shall only then be allowed if included in the approved annual net lending program. Net lending to GOCCs outside the program shall be allowed only under exceptionally meritorious circumstances resulting from unforeseen events which hinder GOCCs from paying its maturing obligations or resulting from, but not limited to circumstances outlined under Article III, Section 4;
- (c) An Inter-Agency Committee chaired by the Department of Finance with members from the Department of Budget and Management (DBM) and Bureau of the Treasury (BTr) shall determine the appropriate amount to be programmed for net lending and submit its final recommendations to the Development Budget and Coordinating Committee (DBCC). The decision of the DBCC shall be considered in the fiscal programming and monitoring of the Consolidated Public Sector Financial Position; and
- (d) DOF shall endorse to the BTr meritorious requests of GOCCs for actual drawdowns from the net lending program.
- (e) Penalty charge, in addition to the interest on NG advances, shall be imposed on advances made by the NG as guarantor/direct borrower of the GOCC obligations without favorable endorsement from the DOF.
- (f) The BTr shall submit to the DOF a monthly summary of advances to and collections from GOCCs.

ARTICLE III. PROPOSALS AND RECOMMENDATIONS ON THE CONVERSION OF NG ADVANCES AND INTEREST ON NG ADVANCES

SEC. 4. *Principles and procedures in the Conversion of NG Advances into Equity and/or Subsidy to GOCCs.*

All proposals for conversion shall be addressed to the Secretary of Finance through the Corporate Affairs Group (CAG) for evaluation and processing, copy furnished the Treasurer of the Philippines. The DOF shall make an evaluation on the merits of the proposal for conversion. In order to be considered meritorious, the proposal should clearly show that:

- (a) the GOCC is experiencing cash flow difficulties as a result of, but not limited to: i) high interest payments and foreign exchange losses; ii) heavy reliance on loans; and iii) tariff/pricing structure that is not cost recoverable;
 - (b) there is no workable option for improving its cash position; and
-

- (c) loans advanced by NG being requested for conversion were used for undertakings/projects which are not purely recoverable or which by its nature require NG support.

Likewise, the evaluation of the DOF shall consider the proposal's effect on corporate operations, financial position, international commitments and other applicable covenants which shall be coordinated with the Government Corporate Monitoring and Coordinating Committee (GCMCC) in so far as it relates to performance commitments to the GCMCC. On the other hand, the BTr shall make an evaluation as to the implications of the proposal on the NG's cash position and submit the same to the Secretary of Finance.

Before full conversion is recommended and endorsed to DBM, the requesting GOCC shall agree to and accomplish performance standards and targets prescribed and to be monitored by the DOF.

The recommendations of the Secretary of Finance on the approved conversion shall be endorsed to the DBM in writing and proposed for inclusion in the appropriation for the succeeding year. The Secretary of Finance shall likewise inform the GOCC concerned if the proposal for conversion was disapproved.

SEC. 5. The DBM shall, upon receipt of recommendation from the Secretary of Finance, include the DOF-approved conversion for consideration of an appropriations cover during the budget year.

SEC. 6. The BTr shall cease from charging interest on NG advances on the recommended accounts for conversion based on the cut-off date recommended by the Secretary of Finance.

SEC. 7. *Implementing Guidelines.* The DOF is hereby empowered to issue the necessary implementing rules and regulations three months after the issuance of this Administrative Order.

SEC. 8. All executive issuances, orders, rules and regulations, and/or similar issuances inconsistent with this Administrative Order are hereby revoked, amended or modified accordingly.

ARTICLE IV. EFFECTIVITY

SEC. 9. This Administrative Order shall take effect immediately upon approval.

DONE in the City of Manila, this 14th day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 11
APPROVING AND DIRECTING THE IMPLEMENTATION OF THE IMPLEMENTING RULES
AND REGULATIONS OF RA 8425 GOVERNING THE CREATION OF THE NATIONAL
ANTI-POVERTY COMMISSION

WHEREAS, the goal of the Administration is to reduce poverty and improve quality of life of the poor;

WHEREAS, the Social Reform Agenda has laid the foundation for anti-poverty efforts characterized by its multi-dimensional approach to poverty as provided on its three-point agenda namely: a) Access to Quality Basic Services; b) Asset Reform and Access to Economic Opportunities and Sustainable Development of Productive Resources; and, c) Democratizing Governance Decision-Making and Management Practices;

WHEREAS, the Social Reform Agenda has been institutionalized to be a major component of the National Anti-Poverty Action Agenda through the Republic Act No. 8425 or the Social Reform and Poverty Alleviation Act;

WHEREAS, the Social Reform Agenda is being implemented both at the national and local levels; thus, its systems, policies and structures can be the mechanism by which the Administration can efficiently reduce poverty on a sustained basis;

WHEREAS, RA 8425, the Social Reform and Poverty Alleviation Act, mandates the creation of the National Anti-Poverty Commission;

WHEREAS, RA 8425 mandates the National Anti-Poverty Commission to formulate a National Anti-Poverty Action Agenda which shall principally incorporate the goals, programs and strategies of the Social Reform Agenda;

WHEREAS, there is a need to formulate and implement the implementing rules and regulations governing the creation of NAPC to formulate, operationalize and oversee the Government's National Anti-Poverty Action Agenda;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The **Implementing Rules and Regulations Governing the Creation of the NAPC**, hereto attached as "Annex A", is hereby approved, and adopted.

2. The NAPC Lead Convenor is hereby directed to coordinate the formulation of the National Anti-Poverty Action Agenda and the operationalization of the Administration's Flagship Programs on Anti-Poverty. He shall be responsible for orchestrating and coordinating the implementation of the Flagship Lead Agencies' activities and efforts for the achievement of the goals and objectives under the Administration's National Anti-Poverty Action Agenda.

3. The SRA Flagship agencies and all other appropriate government departments and agencies are hereby directed to undertake the following in order to flesh out the Flagship Programs:

- a. To review and re-align their respective existing SRA programs and projects and/or identify and commit new programs and projects to operationalize the Flagships;

- b. To commit agency resources in order to operationalize all the programs and projects identified and committed for this purpose; and,
- c. To convene, consult, and confer with appropriate sectoral organizations, and basic sectoral councils to flesh out the different program/project components of the Flagship Programs on Anti-Poverty and their geographic areas for implementation.

4. The Lead Convenor shall create a Technical Working Group composed of senior technical representatives from Flagship Agencies and other relevant agencies as well as representatives from the basic sectors to formulate the mechanics for this purpose. The group shall also submit recommendations for fund augmentation and generation both within and outside of the General Appropriations Act, for the implementation of the Flagship Programs.

5. The NAPC Lead Convenor shall submit the recommendations to the Office of the President within sixty (60) days upon the effectivity of this Administrative Order.

Done at Malacañang, Manila, this 27th day of July, in the Year of Lord, Nineteen Hundred and Ninety-eight.

(Sgd.) **JOSEPH EJERCITO ESTRADA**
President of the Republic of the Philippines

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Reference: Annex A

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 12

DISMISSING EDILLO C. MONTEMAYOR, DIRECTOR, REGIONAL OFFICE NO. 3,
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, FROM THE SERVICE WITH
FORFEITURE OF ALL GOVERNMENT BENEFITS

This refers to the letter-complaint addressed to the Philippine Consulate General in San Francisco, California, U.S.A., by one Luis Bundalian, dated July 15, 1995, against Edillo C. Montemayor, OIC Regional Director of Region III, Department of Public Works and Highways, for alleged unexplained wealth in violation of Section 8, R.A. No. 3019, as amended.

Quoted hereunder are the facts of the case and the findings and recommendation of the Presidential Commission Against Graft and Corruption (PCAGC) as culled from its Resolution.

“Hearings were held on May 29, July 24 and November 14, 1996; January 24, February 27 and March 13, 1997. During all these hearings, complainant never appeared neither was there any appearance by counsel for him. His true address in the Philippines could not be ascertained. Respondent likewise never appeared personally despite notice, but was represented by counsel.

“The alleged accusations/charges in the complaint are as follows:

- (1) That in 1993, respondent and his wife went to Los Angeles, California, U.S.A., carrying with them more than \$100,000.00 which he used as down payment in buying a house and lot in Burbank, Los Angeles (Pp. 4 & 5, Records);
- (2) That with his income from the government, respondent could not afford to own a beautiful house in a project in Quezon City, make a down payment of \$100,000.00 in Los Angeles, incur ‘escrow closing expenses’ and remodelling expenses in Floridablanca, Pampanga (Ibid);
- (3) That with the income of his in-laws in California and their poor credit standing due to many debts, they could not buy such expensive house (Ibid);
- (4) That in April, 1995, his wife and children vacationed again in California (Ibid);
- (5) That his ‘kurakot’ came from lahar funds and other projects in public works (Ibid);

“In the Order of the Commission dated February 15, 1996, respondent was directed to submit his Statement of Assets and Liabilities, Income Tax Returns and his Personal Data Sheet but up to the present time he has failed to do so. He submitted only his Service Record.

“Due to his failure and refusal to submit his Statement of Assets, Liabilities and Net Worth (SALN), the Commission on March 11, 1996 wrote the Deputy Ombudsman for Luzon requesting him to furnish this Commission with copies of the SALN of respondent for the past three (3) years – 1992, 1993 and 1994 (p. 8, Records). In reply, the Deputy Ombudsman for Luzon claimed that respondent failed to submit his SALN for calendar years 1992, 1993 and 1994 (p. 18, Records).

“Failure to file Statement of Assets and Liabilities is a violation of Section 8 of Republic Act 6713 and is punishable with imprisonment not exceeding five (5) years or a fine not exceeding P5,000.00 or both under Section 11, par. (a) of said law. Furthermore, Sec. 11, par. (b) thereof reads, thus:

‘(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.’

“The Commission also wrote DPWH Secretary Vigilar inquiring as to how many times respondent travelled abroad and in his answer dated April 18, 1996, he stated that respondent was sent on official travel to Indonesia on January 11-14, 1994, and that he had no other official travel recorded for the period from 1994 to 1995 (P. 16, Records).

“The Commission will now resolve the complaint on the basis of the evidence on record.

“The complainant submitted the following evidence, to wit:

(1) A copy of a ‘Grant Deed’ dated May 27, 1993 wherein David R. Tedesco and Judith A. Tedesco granted a piece of real property located at 907 North Bel Aire Drive, Burbank, California, to respondent Edillo C. Montemayor and his wife Irene F. Montemayor (P. 3, Records);

(2) A Special Power of Attorney executed in Los Angeles, California, by respondent and his wife appointing Estela D. Fajardo (sister of respondent’s wife) as Attorney-In-Fact to ‘negotiate, acknowledge, perform and execute any and all related documents and requirements to complete and close the purchase transaction related to the property located at: 907 NORTH BEL AIRE DRIVE, BURBANK, CALIFORNIA x x x’ (p. 1, Records); and

(3) A portion from the column ‘Beatwatch’ by Lito A. Catapusan (P. 2, Records).

“The respondent submitted the following evidence, to wit:

(1) His counter-affidavit denying all the allegations against him which he described as baseless and unfounded, and attaching therewith certified copies of complaints and OMB resolutions marked as Annexes ‘A’, ‘B’, ‘C’, ‘D’, ‘E’ and ‘F’ (P. 40, Records);

(2) Respondent also submitted an Investigation Report from the Office of the Ombudsman in Cases Nos. OMB-0-94-1172, OMB-0-94-1329 and OMB-

0-94-1560 wherein it was recommended that the cases against respondent be dismissed for lack of evidence (P. 20-31, Records); and

(3) Respondent likewise submitted the Investigation Report on a subsequent case filed with the Ombudsman (OMB-0-95-1100) involving the same issues which was recommended for dismissal for lack or insufficiency of evidence since the issues were already resolved in the three (3) previous cases and there was no additional evidence presented to investigate and prosecute the present case (Pp. 32-34, Records).

“Respondent is being charged of violating Section 8, R.A. No. 3019, as amended, for having acquired a property in Burbank, California, worth \$195,000.00 which, as mentioned by the Graft Investigation Officer (GIO), Office of the Ombudsman, in the Sworn Statement of respondent given on April 11, 1995, at the rate of P20.00 for every dollar, the property would be worth at the very least, P3,900,000.00 and on the basis of respondent’s income tax return from 1988 to 1991 do not indicate that he could afford to acquire said property (p. 100, Records). Even with respondent’s annual income of P168,648.00 in 1993 as listed in his Service Record dated May 24, 1996, which was finally submitted to the Commission on January 15, 1997, by his counsel, after repeated demands, respondent could not afford to buy such a house, unless he had other sources of income. The burden of proof is now shifted to respondent to present evidence, documentary or otherwise, to rebut the charge which he, however, refused or failed to do.

“As may be gathered from the documents enclosed in the letter-complaint, namely, the Grant Deed and the Special Power of Attorney, respondent and his wife were named as grantees of a piece of real property located at 907 North Bel Aire Drive, Burbank, Los Angeles, California, which transaction was denominated as purchase (pp. 1 & 3, Records).

“In his said sworn statement, respondent admitted that the said property at 907 North Bel Aire Drive, Burbank, Los Angeles, California, is in his and his wife’s names but he claimed that the true owner thereof is his sister-in-law, Estela D. Fajardo. His explanation was lengthy but can be summarized, thus: that because of the unsettled conditions in the government service in 1991, respondent’s wife sought the help of her family in the U.S. for their possible emigration thereat. Upon being advised by an immigration lawyer in the United States, that it would be a lot easier if the applicant had a real property thereat under their name, respondent’s sister-in-law said that she was acquiring a property in Burbank, California, but because she was disqualified to purchase said property under her name due to an existing mortgage on a property in Palmdale, Los Angeles County, previously acquired in installment and had not yet been fully paid, an internal arrangement was made and said property was placed in respondent and wife’s name (pp. 100 & 101, Records).

“Respondent’s explanation is unusual, at most. Since it is largely unsubstantiated as he refused and failed to present convincing proof to disprove the allegation that the property in Burbank, California, belongs to him, it is, thus, far-fetched and unbelievable, besides being self-serving.

“The counsel for respondent, instead of adducing evidence to prove respondent’s explanation, exerted more effort in filing pleadings, including a motion to dismiss on the ground of forum-shopping which the Commission denied because ‘it appears that the cases dismissed by the Ombudsman are all criminal cases. Since the case filed with the Commission is an administrative case, the Commission is of the opinion and so holds that this is not forum-shopping’ (P. 50, Records). Furthermore, considering that the function of the Commission is fact-finding in nature, to grant respondent’s motion would be to deprive the President of his authority to discipline presidential appointees.

“As has been mentioned earlier, respondent failed and refused to submit his Statement of Assets and Liabilities and Networth as well as his Income Tax Return. In every hearing, counsel for respondent would promise to submit respondent’s SALN and other pertinent documents in the next hearing but counsel always failed to do so, except the Service Record of the respondent. Finally, in his counsel’s Manifestation and Motion dated October 21, 1996, or eight (8) months after the Commission’s initial order requiring respondent to file copies of his Statement of Assets and Liabilities for the last three (3) years, he gave the lame excuse ‘that retained copies of his SAL were submitted before the Fact-Finding and Investigation Bureau of the Office of the Ombudsman’ (P. 6, Records). However, to date, respondent has failed to submit to the Commission his Statement of Assets and Liabilities.

“Sec. 5(e), Rule 131, Rules of Court, on disputable presumptions, provides that evidence willfully suppressed would be adverse if produced.

“In brief, it has been established that respondent acquired a property in Burbank, Los Angeles, California, U.S.A., on May 27, 1993, worth \$195,000.00 and that his annual salary at that time was only P168,648.00. At the then exchange rate of P20.00 for every dollar, the cost of said property would at least be P3,900,000.00. To acquire said property, respondent would have to work straight for more than 23 years with such salary and would have to save every centavo thereof.

“Hence, it can be rightly said that the aforesaid acquisition was manifestly out of proportion to his salary and thus rebuttably presumed to have been unlawfully acquired pursuant to Section 2, R.A. No. 1379, ‘AN ACT DECLARING FORFEITURE IN FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE BEEN UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER OR EMPLOYEE AND PROVIDING FOR THE PROCEDURE THEREFOR’.

“Under Section 8 of R.A. 3019, it is provided that ‘if a public official has been found to have acquired during his incumbency, whether in his name or in the name of other persons, an amount of property and/or money manifestly out of proportion to his salary and to his other lawful income, that fact shall be a ground for dismissal or removal.’ It states further that ‘any ostentatious display of wealth including frequent travel abroad of a non-official character by any public official when such activities entail expenses evidently out of proportion to legitimate income shall likewise be taken into consideration in the enforcement of this section x x x.’

“WHEREFORE, premises considered, this Commission finds Mr. Edillo C. Montemayor, Director, Regional Office No. 3, Department of Public Works and Highways, guilty as charged and recommends . . . that he be ordered **DISMISSED** from the service with forfeiture of all government benefits.

“SO RESOLVED.”

After a careful review of the evidence on record, this Office concurs with the findings and recommendation of the Commission.

WHEREFORE, as recommended by the Presidential Commission Against Graft and Corruption, respondent Edillo C. Montemayor, Director, Regional Office No. 3, Department of Public Works and Highways, is hereby ordered **DISMISSED** from the service with forfeiture of all government benefits.

Done in the City of Manila, this 24th day of AUGUST, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 13
AMENDING ADMINISTRATIVE ORDER NO. 325 ENTITLED “CONSTITUTING
THE REGIONAL PRODUCTIVITY COMMITTEES UNDER THE
REGIONAL DEVELOPMENT COUNCILS”

WHEREAS, Administrative Order (A.O.) No. 267, s. 1996, created the Multi-Sectoral/Agency Committee which formulated the National Action Agenda for Productivity (NAAP) to complement the National Development Plan and serve as a comprehensive strategy for productivity improvement;

WHEREAS, Executive Order (E.O.) No. 395, s. 1997, approved and adopted the NAAP and created the Philippine Council for Productivity (PCP) to ensure a unified effort on productivity improvement and accelerate the country’s over-all development;

WHEREAS, A.O. No. 325, s. 1997, which constituted the Regional Productivity Committees (RPCs) only covers regions which have Regional Development Councils (RDCs), thereby excluding the National Capital Region (NCR), the Cordillera Administrative Region (CAR) and the Autonomous Region of Muslim Mindanao (ARMM);

WHEREAS, there is a need to unify the efforts in all regions towards improving productivity and therefore should encompass the NCR, CAR, and ARMM;

NOW, THEREFORE, I, JOSEPH E. ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 325, Series of 1997 and order:

Section 1. Constitution of Regional Productivity Committees. There shall be constituted a Regional Productivity Committee in each region to be organized by the respective Regional Development Councils. There shall also be constituted an RPC in the NCR, CAR and ARMM to be organized and supervised by the Metro Manila Council (MMC), the Cordillera Executive Board (CEB), and the Regional Planning and Development Board (RPDB); respectively.

Section 2. Composition of the Regional Productivity Committees. The Regional Productivity Committee, herein referred to as RPC, in each regular region shall be chaired by the Regional Director of the National Economic and Development Authority (NEDA). In the case of NCR, CAR, and ARMM, the RPC Chairperson shall be chosen from the government sector by the members of the MMC, CEB, and RPDB.

The RPC Chairperson shall appoint two (2) Vice-Chairpersons from the private sector. One of the Vice-Chairpersons shall be from the labor sector, to be nominated by the Department of Labor and Employment Regional Director or Regional Secretary, in the case of ARMM. The other Vice-Chairperson shall represent the business sector, to be nominated by the Regional Director or Regional Secretary (in the case of ARMM) of the Department of Trade and Industry.

The RPC membership shall be composed of and/or patterned after, but not limited to, the agencies and organizations identified in Section 2 of AO No. 325.

The NEDA Regional Offices shall provide technical and administrative support to the RPCs, in cooperation with the DOLE-RTWPB, DTI, DILG, and DAP. The Planning Office of the Metro Manila Development Authority (MMDA), the NEDA-CAR, and the Regional Planning and Development Office (RPDO), shall provide secretariat and technical support to the RPCs in NCR, CAR and ARMM, respectively.

Section 3. Functions of the Regional Productivity Committees. The functions of each RPC, as determined in Section 3 of AO No. 325 shall be adopted. However, No. 4 of Section 3 is hereby amended to read as follows:

“4) Review and endorse the Regional Action Agenda for Productivity to the RDC, the MMC in the case of NCR, the CEB in the case of CAR, and RPDB in the case of ARMM.”

Section 4. Role of the RDC, MMC, CEB, and RPDB. The RDCs shall provide supervision and guidance to the RPCs as part of their functions provided for under Executive Order No. 325, s. 1996. The MMC, CEB, and the RPDB shall provide supervision and guidance to the RPCs, consistent with their mandates under R.A. 7924, s. 1994; E.O. 220, s. 1987; and R.A. 6734, s. 1989, respectively.

Section 5. Funding. Funds necessary for the operations of each of the RPCs shall be incorporated in the annual budget of the respective NEDA regional offices, the MMDA, and the RPDO.

Section 6. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21th day of AUGUST, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 14
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON SENIOR STATE
PROSECUTOR FERDINAND R. ABESAMIS, DEPARTMENT OF JUSTICE

This refers to the administrative complaint instituted by then Secretary Teofisto Guingona Jr. of the Department of Justice (DOJ) against Senior State Prosecutor Ferdinand R. Abesamis for conduct prejudicial to the best interest of the service, committed, as stated in the Formal Charge, as follows:

“That on or about August 14, 1996, October 17, 1996, November 21, 1996 and January 23, 1997, [respondent] contracted loans in the amounts of thirty thousand pesos (P30,000.00), twenty thousand pesos (P20,000.00), ten thousand pesos (P10,000.00) and fifteen thousand pesos (P15,000.00), respectively, from Cesar del Rosario, complainant in I.S. No. 96-563 where (respondent was) the investigating prosecutor, and from his counsel, Oscar Sahagun.”

Pursuant to separate DOJ department orders, State Prosecutor Lagrimas T. Agaran was designated as prosecuting officer, while a panel of three (3) investigators was constituted for the purpose of the formal investigation of the case, docketed as Adm. Case No. 97-0005 FS.

In his answer to complaint dated June 2, 1997, respondent Abesamis denied securing loans from either Del Rosario, or Sahagun, in his capacity as Del Rosario’s counsel.

Issues having been joined, hearings were set and conducted. Thereafter, the panel of investigators submitted its report dated February 6, 1998, to the Secretary of Justice with the following findings:

“State Prosecutor Lagrimas T. Agaran presented as its sole witness, Atty. Oscar C. Sahagun, who testified that he is a practicing lawyer and had known respondent Abesamis since 1991 x x x In 1996, he represented complainant Cesar del Rosario, Sr. in I.S. No. 96-563 against Amelia Ternida, et al., for falsification, which case is being investigated by herein respondent. Sometime in August 13 or 14, 1996, late in the afternoon, respondent phoned him at his office asking for financial assistance. The latter told the former that he would consult first the matter with his client, Mr. Del Rosario, Sr. who agreed to give respondent P30,000.00 in check (Exhibit “B”) which was borrowed from Leticia Guerrero with Atty. Sahagun as the guarantor. Thereafter, on October 17, 1996 Atty. Sahagun received from respondent a handwritten letter (Exhibit “D”), which reads:

Dear Pareng Oca,

I have sought the help of other people but to no avail. You are the last person on my mind but I have no other recourse. I am in a very tight financial distress, pare. I have to return P200,000.00 to someone

who asked for help regarding a case handled by another prosecutor. My colleague double crossed me.

I am now the target of a complaint filed by the someone. I don't want this to go out of hand hence I talked to him and he is only after the return of the P200,000.00. I have already come up with P150,000.00. All I need now is P50,000.00 to complete the amount. I have to settle it not later than tomorrow otherwise the case will move.

Hindi na sana kita gagambalain pero wala akong magawa. Pasensiya ka na. Kung wala pare kahit ano na lang na pampuno.

I am leaving you a check, pare. My loan would come out first week of November. You will be the first I'll settle.

Thanks.

Pareng Ferdie"

Again, Atty. Sahagun consulted Mr. Del Rosario, Sr. who agreed once again to give respondent Abesamis, through Mr. De Leon, another check amounting to P20,000.00 (Exhibit "C") under the same set-up as Exhibit "B". In November, 1996, respondent again wrote Atty. Sahagun the following handwritten letter (Exhibit "G"):

"Pare,

I'm sorry, I have to bother you again. Times now are very difficult for me.

Again, my appreciation.

Pareng Ferdie"

Conformably thereto and as has been the practice of Messrs. Sahagun and del Rosario, Sr. a check amounting to P10,000.00 (Exhibit "F") was prepared in favor of respondent. According to Atty. Sahagun, these checks although not received personally by respondent but through an emissary, were all encashed either by respondent's secretary, Divina Gracia Taduran or by respondent himself as can be gleaned from their signatures appearing at the dorsal portion thereof (Exhibits "B-1", "C-1" & "F-1"). Atty. Sahagun further testified that aside from checks, they also gave cash to respondent which happened on January 23, 1997, when respondent phoned him (Atty. Sahagun) informing that he (respondent) already prepared the resolution and information in I.S. NO. 96-563 but Mr. del Rosario, Sr. needs to dole out P15,000.00 cash to ACSP Francisco Santos whom respondent approached for the approval of his resolution, instead of ACSP Nilo Mariano who may not approve it because of pressure from the Office of the Vice-President. Despite sufficient lapse of time, respondent failed to resolve the subject case which was eventually assigned to State Prosecutor Virginia Ruiz who resolved to dismiss I.S. No. 96-563.

After Prosecutor Agaran rested her case, Atty. Mario A. Aguinaldo, for respondent, moved for leave to file a demurrer to evidence which he did on October 16, 1997. x x x

On December 2, 1997, the panel issued an order deferring action on the subject motion and set the case for reception of defense evidence on December 15, 17 and 19, 1997. Unfortunately, these settings were all cancelled on written motion dated December 9, 1997 of Atty. Aguinaldo who requested for a resetting thereof to January 16, 21 and 28, 1998.

At the scheduled hearing on January 16, 1998, which was intransferable in character, neither respondent nor his counsel appeared. However, on record was Atty. Aguinaldo's Motion to Resolve the Demurrer to Evidence and Cancel Hearings which was vigorously opposed by Prosecutor Agaran and upon whose verbal motion an order was issued by the panel declaring respondent to have waived his right to present evidence and the case deemed submitted for resolution on the merit. Copy of such order was furnished to Atty. Aguinaldo on January 22, 1998."

In an undated resolution, the Secretary of Justice approved the findings contained in the report aforementioned as well as the recommendation made therein and forthwith forwarded the records of the case to my office.

The only issue to be resolved is whether or not sufficient evidence obtain to hold respondent liable for the offense charged.

After a circumspect evaluation of the evidence at hand, I find, as did the Department of Justice, respondent guilty of the offense charged.

To establish guilt in an administrative disciplinary proceedings, neither preponderating evidence called for in civil cases, nor the proof-beyond-doubt threshold demanded in criminal trials is required. Substantial evidence, which means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion even if other minds equally reasonable might not so accept (*Lansang vs. Garcia*, 42 SCRA 448), would suffice.

The evidentiary norm has more than been met in the present case. The uncontroverted testimony of Oscar Sahagun, juxtaposed with the afore-quoted "Pareng Oca" letters, Exhibits "D" and "G", respectively, *supra.*, prove beyond cavil that respondent, while acting as investigating prosecutor in I.S. No. 96-563, had, on several occasions, sought, in the guise of a loan, and received a substantial amount of money from del Rosario, the complainant in said case. Under the circumstances in which they were effected, the requests and the acts of receiving adverted to constitute conduct prejudicial to the best interest of the service. There can be no quibbling that behind those transactions was the case respondent was investigating - I.S. No. 96-563. The "contracting loans of money or other property from persons with whom the office of the employer has business relations" is a grave offense, the penalty of which is dismissal from the service. (Rule XIV (7), Omnibus Rules Implementing Book V of EO No. 292, and other pertinent Civil Service Laws.)

Respondent lamentably had not been true to the principle that a public office is a public trust. By his acts complained of, he veritably has undermined the public's faith in our prosecutorial system and, ultimately, in the administration of justice. His continued employment in the Government must, therefore, be terminated at once.

WHEREFORE, as recommended by the Secretary of Justice, respondent Senior State Prosecutor Ferdinand Abesamis is hereby found guilty as charged. Accordingly, he is hereby **DISMISSED** from the service with all accessory penalties attached to the penalty of dismissal, effective upon receipt by him of this Order.

Done in the City of Manila, this 27th day of AUGUST, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 15
**AMENDING ADMINISTRATIVE ORDER NO. 3 DATED 13 JULY 1998 “RECONSTITUTING
THE ECONOMIC MONITORING AND MOBILIZATION TASK FORCE”**

WHEREAS, the Economic Monitoring and Mobilization Task Force was reconstituted in order to enhance coordination among the key economic players and expedite the implementation of measures to stabilize and sustain the economy’s growth trajectory;

WHEREAS, there is a need to include the Governor of the Bangko Sentral ng Pilipinas as a member of the Task Force because of the BSP’s role in guiding monetary policy as well as in regulation of the banking sector, which are key factors to consider given the current economic crisis;

WHEREAS, there is need to expand private sector and labor sector representation in the Task Force in order to provide the Task Force with a wider-reaching perspective on private sector and labor concerns and thereby enhance the action steps to be taken by the Task Force in addressing the economic crisis;

NOW THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 3 dated 13 July 1998, and order the following:

Section 1. *Renaming the Economic Monitoring and Mobilization Group.* The Economic Monitoring and Mobilization Task Force constituted under the Office of the President through Administrative Order No. 3 shall be henceforth referred to as the Economic Mobilization Group (EMG).

Section 2. *Expansion of Membership in the Economic Mobilization Group.*

2.1. Membership in the EMG shall be expanded to include the Governor of the Bangko Sentral ng Pilipinas.

2.2. Private Sector Representation in the EMG shall be expanded further to include representatives from the following four private sector organizations and two representatives from the labor sector:

- a. Bankers Association of the Philippines
- b. Management Association of the Philippines
- c. Philippine Retailers Association
- d. Federation of Philippine Industries
- e. two representatives from the Labor Sector

2.3. Section 2 of AO No. 3 is hereby revised to read as follows:

“Section 2. The Economic Mobilization Group (hereinafter called EMG) is hereby reconstituted under the Office of the President. The Group shall be composed of the following:

Executive Secretary	–	Chairman
Secretary, Department of Trade and Industry	–	Co-Chairman
Secretary, Department of Agriculture	–	Member
Director General, NEDA and Secretary of Socio Economic Planning	–	Member
Secretary, Department of Finance	–	Member
Secretary, Department of Budget and Management	–	Member
Secretary, Department of Labor and Employment	–	Member
Secretary, Department of Energy	–	Member
Governor, Bangko Sentral ng Pilipinas	–	Member
Head, Presidential Management Staff	–	Member
Press Secretary	–	Member
Presidential Adviser on Economic Affairs And Flagship projects	–	Member
Undersecretary, Department of the Interior and Local Government	–	Member
Nine (9) Representatives from the Private Sector	–	Members
Two (2) Representatives from the Labor Sector	–	Members

The nine (9) private sector representatives shall come from (1) the Philippine Chamber of Commerce and Industry; (2) the Makati Business Club; (3) the Philippine Exporters Confederation, Incorporated; (4) the Employers Confederation of the Philippines; (5) the Federation of Filipino-Chinese Chambers of Commerce and Industry Incorporated; (6) the Bankers Association of the Philippines; (7) the Management Association of the Philippines; (8) the Philippine Retailers Association; and (9) the Federation of the Philippine Industries. In addition, there will be two labor sector representatives.”

Section 3. *Technical Working Group.* The EMG may set-up technical working groups consisting of representatives from its member-agencies and other agencies as may be deemed necessary, to provide technical support to the Group.

Section 4. *Repealing Clause.* All issuances, orders, rules, regulations or parts thereof which are inconsistent with the provisions of this Administrative Order is hereby repealed or modified accordingly.

Section 5. *Reporting.* The EMG shall submit monthly reports to the President, through the Presidential Management Staff, on the economic and financial situation of the country and the measures taken by concerned agencies.

Section 6. *Administrative Support.* The Department of Trade and Industry shall provide overall administrative support to the EMG. The Group may also call on any member agency to extend to it technical support and assistance as may be required.

Section 7. *Effectivity.* This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on this 27th day of August, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 16
CREATING AN INTER-AGENCY TASK FORCE TO SOLVE THE PROBLEM
AT THE PHILIPPINE AIRLINES

WHEREAS, the Philippine Airlines (PAL) is the official flag carrier of the Republic of the Philippines;

WHEREAS, the national interest requires that there should be a wholistic, creative, innovative approach to solve the problems of PAL;

WHEREAS, long term solutions are needed that require the full cooperation of all parties, the owners, employees, and the government.

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and ordain:

SECTION 1. There is hereby created an Inter-Agency Task Force on the Philippine Airlines, to be composed of the Department of Finance, Department of Labor and Employment, Department of Transportation and Communication, Department of Foreign Affairs, Department of Tourism and the Securities and Exchange Commission. The Chairman of the Inter-Agency Task Force shall be the Department of Finance.

SECTION 2. The Task Force shall meet at the call of the Chairman who is also empowered to summon all parties concerned for conciliation, mediation the purpose of arriving at a total and complete solution of the problem.

SECTION 3. The Inter-Agency Task Force is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the Government, including government owned or controlled corporations, for such assistance it may need in the discharge of its duties and functions and in the effective implementation of this Order.

SECTION 4. All executive issuances, orders, rules and regulations, and/or similar issuances inconsistent with this Administrative Order are hereby revoked, amended or modified accordingly.

SECTION 5. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of August, in the year of our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALANAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 17

ADOPTION OF A SOCIALIZED IRRIGATION SERVICE FEE, COMMUNAL IRRIGATION SYSTEMS (CIS) AMORTIZATION RATES, AND OTHER URGENT INTERIM MEASURES TO CUSHION THE EFFECTS OF EL NIÑO AND THE ASIAN CURRENCY CRISIS IN THE AGRICULTURAL SECTOR, PARTICULARLY TO BENEFIT IRRIGATION FARMER BENEFICIARIES

WHEREAS, Presidential inspection of the countrysides has established the sorry state of farmer beneficiaries of irrigation systems of the National Irrigation Administration (NIA), brought about by the effects of the El Niño phenomenon and the current Asian currency crisis;

WHEREAS, there is a need to immediately implement interim measures to assist irrigation farmer beneficiaries, so that they can recover from the effects of these climatic and economic abnormalities;

WHEREAS, the payment of irrigation service fees and amortization on Communal Irrigation Systems (CIS) are among the identified obligations of farmer beneficiaries payable to NIA;

WHEREAS, a review of said obligations justifies the rationalization thereof, by introducing socialized irrigation fees and amortization on CIS, thereby equitably distributing the burden of payment among farmer beneficiaries in national irrigation and communal irrigation systems;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order that the rates of irrigation services fees and CIS amortization payments to be collected by NIA be as follows:

1.1 The Socialized ISF, on National Irrigation Systems Operated and maintained by NIA:

	Wet Season (Cavans/has. or cash equivalent)	Dry Season (Cavans/has. or cash equivalent)
a. Diversion Scheme		
2 has. and below	1	1.5
Above 2 to 5 has.	2	3.0
More than 5 has.	3	4.5
Other Crops	60% rate of rice	
Annual Crops	7.5 cavan/has. annually	
b. Reservoir/Storage Scheme		
2 has. and below	1.5	2.0
Above 2 to 5 has.	2.5	3.5
More than 5 has.	4.0	5.0

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- | | |
|--------------|-----------------------|
| Other Crops | 60% rate of rice |
| Annual Crops | 9 cavan/has. annually |
- c. Same rates as in Reservoir/Storage Scheme, but actual cost of power/energy pro-rated to farmer beneficiaries.

1.2 CIS Amortization

- a. No equity during construction is required for new areas. Minimum amortization payment of 1.5 cavans/has./year is reduced to one cavan and the chargeable cost to be amortized at no interest.
 - b. Irrigators' Associations (IA) opting for 30 percent upfront payment of chargeable cost during construction/rehabilitation are exempted from CIS amortization payment.
2. The Department of Agriculture is hereby directed to submit legislative proposals for the increase of administration and overhead charges of 5 percent to 10 percent of the total cost of projects undertaken by the NIA, and the condonation of irrigation service fees and CIS amortization back accounts being collected by NIA.

This Administrative Order shall take effect upon its publication in at least one newspaper of general circulation in the Philippines.

DONE in the City of Manila, this 31st day of August, in the Year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 18

**CREATING A FACT-FINDING COMMITTEE TO INVESTIGATE AND DETERMINE THE
INVOLVEMENT OF MS. DORIE CASTISIMO, PRESIDENTIAL ACTION CENTER EMPLOYEE,
IN THE SALE OF FORMS ISSUED BY PACE**

Whereas, in a progress report dated 04 September 1998, initial investigation of one Irish Anastacio or Evelyn A. Velasquez shows that from her possession recovered were 21 pieces of filled up of bio-data forms of the Presidential Action Center (PACE), Office of the President, Malacañang, Manila, of different persons and Two Thousand Pesos (P2,000.00) in denominations of Five Hundred Peso bills attached with the same bio-data and were kept inside a brown envelope;

Whereas, in the course of the investigation, said suspect implicated a female employee of the PACE, Ms. Dorie Castisimo, who allegedly gave the former said bio-data forms issued by PACE and accepted the cash amount of Four Thousand Pesos (P4,000.00) on two separate occasions, 31 August 1998 and 01 September 1998;

Now therefore, there is hereby created a FACT-FINDING COMMITTEE (herein after referred to as the Committee) for the purpose of investigating and determining all the facts and circumstances regarding the involvement of Ms. Dorie Castisimo, of PACE. The Committee shall be composed of:

Atty. David S. Eñano Jr. Director IV, PAOCC	Chairman
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Atty. Jonathan F. Baligod Director IV, PACE	Member
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Restituto R. Cleofas Engineer's Office Office of the President	Member
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For the purpose of the investigation, the Committee is hereby granted all the powers of an investigating body under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and obtain documents, books, records and such other matters in the performance of its functions.

The Committee shall submit its findings and recommendations to the Executive Secretary through the Deputy Executive Secretary for Administration and Finance, Office of the President.

DONE in the City of Manila this 14th day of August, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 19
RECONSTITUTING THE TASK FORCE FOR THE DEVELOPMENT OF
PAYATAS IN QUEZON CITY

WHEREAS, on 20 October 1993, His Excellency President Fidel V. Ramos constituted a Task Force for the Development of Payatas in Quezon City, for the purpose of formulating short-term, medium-term, and long-term plans and address relevant issues, particularly, the closure of the Payatas Dump Site;

WHEREAS, a Payatas Special Area Development Framework Plan was submitted by the Task Force in January 1994 recommending an action plan that would be pursued to, among others, facilitate the closure of the Payatas Dumpsite; the re-development of the area to ensure that the necessary measures are taken to mitigate and safeguard against any possibilities that site may adversely affect the environment; and ensure that appropriate facilities are established for the hygienic disposal of the waste served by the site upon its closure;

WHEREAS, to facilitate the further pursuit of the activities and ensure their completion, it is necessary that the operation of the Task Force be continued;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order.

SECTION 1. RECONSTITUTION OF THE TASK FORCE. – The Task Force for the Development of Payatas in Quezon City is hereby reconstituted and shall be composed of the heads of the following Agencies:

- 1.1 Metropolitan Manila Development Authority
- 1.2 The Quezon City Government
- 1.3 The Department of Environment and Natural Resources
- 1.4 The Department of Public Works and Highways
- 1.5 The Housing and Urban Development Coordinating Council
- 1.6 The Presidential Task Force on Waste Management
- 1.7 The Department of Health
- 1.8 The National Housing Authority
- 1.9 The Presidential Commission on Urban Poor; and
- 2.0 Other concerned agencies, NGO's and the private sector

SEC 2. ORGANIZATION OF THE TASK FORCE. – The Task Force shall be headed by the MMDA Chairman, who is hereby authorized to constitute such Committees and Technical Working Groups as may be necessary, from among the member agencies, to facilitate the conduct of activities and ensure the prompt completion of the tasks assigned to the Task Force.

SEC 3. TECHNICAL AND ADMINISTRATIVE SUPPORT. – The tasks and activities of the Task Force shall continue to be in pursuit of the goals and objectives specified under Administrative

Order No. 92 Series of 1993, PROVIDED THAT, emphasis shall be given to the implementation of the proposed action programs under the framework plan. The Presidential Task Force on Waste Management and the Metropolitan Manila Development Authority shall jointly provide the necessary technical and administrative support to the Task Force.

SEC 4. TIMETABLE AND BUDGET. – The Task Force is hereby given until 31 December 1998 to achieve the closure of the Payatas Dump Site. Thereafter, it shall submit its detailed program for the other corollary measures for the improvement and mitigation at the site.

There is no additional budget outlay appropriated on account of the reconstitution of the Task Force. The Chairman and its member-agencies shall perform their respective activities as part of their normal and relevant functions without additional compensation for their designated representatives.

SEC 5. EFFECTIVITY. – This Administrative Order shall take effect upon approval.

Done in the City of Manila, this 18th day of SEPTEMBER, 1998 in the year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 20
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON JAIME M. GELLOR,
PRESIDENT, CENTRAL MINDANAO UNIVERSITY

This is an administrative complaint filed against Dr. Jaime M. Gellor, President, Central Mindanao University (CMU), Musuan, Bukidnon, and Engr. Liberato Balandra, Vice Chairman, Pre-qualification Bids and Awards Committee (PBAC) and Head of the Engineering Technical Committee, CMU, for alleged violation of Section 3 (e) and (g) of Republic Act (R.A.) No. 3019, as amended, otherwise known as the “Anti-Graft and Corrupt Practices Act”.

The case arose out of the letter-complaint of Dr. Medino A. Yebron et al., dated November 24, 1994, initially filed with this Office, imputing on respondents acts constituting graft and corrupt practices in connection with various infrastructure projects inside the CMU campus. On January 19, 1995, this Office referred the letter-complaint to the Presidential Commission against Graft and Corruption (PCAGC) for appropriate action. Finding sufficient cause for an administrative investigation, the PCAGC, in an order of February 13, 1995, required respondents to file their respective counter-affidavits.

The factual milieu as recited by the PCAGC in its report, styled “RESOLUTION”, dated March 20, 1998, is as follows:

“On February 13, 1995, finding sufficient basis for an administrative investigation, this Commission issued an order requiring respondents to: (a) file their respective counter-affidavits xxx xxx within a non-extendible period of five (5) days from receipt thereof; and (b) submit their respective Statements [of] Assets and Liabilities for the last three (3) years (1992, 1993 and 1994)

“Other cases were earlier filed with the Presidential Anti-Crime Commission (PACC), with the Office of the Ombudsman (Mindanao), and with the Regional Trial Court, all charging respondent Gellor for violation of Republic Act 3019, as amended,

“The respondents filed their ‘Joint Counter-Affidavit’ dated March 15, 1995 denying the charge of illegally awarding the contract for the improvement of the campus roads stating, among other things that; respondents believed in good faith that the award to FGW was in accordance with Presidential Decree 1594 because FGW had an on going project inside the Central Mindanao University (CMU) campus, the Vet-Med Building (Animal Disease Diagnostic Laboratory); FGW did not incur any negative slippage; the costing and estimates in the concreting of the campus road projects; the ETPS estimate for the new project was P616,604.00, whereas, the negotiated contract cost CMU P600,000.00 only; and the complainants ‘are disgruntled, dissatisfied professors or personnel of CMU’.

“The complainants, refuting the counter-affidavit, claim that: (a) respondents failed to mention that in response to the Invitation to Bid, twelve (12) contractors from Bukidnon and Misamis Oriental had already met with the PBAC in accordance with the schedule as mentioned in the invitation, and submitted thereby their pre-qualification documents and all were declared prequalified; (b) the concreting was done at nighttime without the use of any compacting equipment, and, without the presence of an inspector or auditor; (d) respondent Gellor abolished the Technical Committee and appointed respondent Balandra to inspect the projects for compliance with plans and specifications; (e) contrary to allegations of the counter-affidavit, FGW Construction, was blacklisted by the previous CMU administration; (f) the Veterinary Diagnostics Building could not be checked for compliance because there were no ‘plans and specifications’ and for that reason the Dean of the College refused to accept the building; (g) that the road concreting project was not adjacent to or contiguous with Veterinary Diagnostic Building; and (h) it was not true that the complaints were disgruntled CMU Officials and ‘have an axe to grind against’ respondents.

“Complainant Yebron for himself and the other complainants filed supplemental charges against respondents styled ‘Manifestation’ dated April 19, 1995, enumerating therein all the other charges including those already filed with the Office of the Ombudsman (Mindanao) and with the Presidential Anti-Crime Commission (PACC).

“On June 2, 1995, this Commission received a pleading denominated ‘Counter-Reply and Motion to Dismiss’ dated June 1, 1995, alleging, among other things, that the complaint be dismissed on the following grounds: (a) that the Reply filed by complainants were mere ‘re-instatements of the allegations of their Joint Affidavit filed with the other investigating agencies of the government; and (b) that the negotiated contracts had already been passed in audit by the Office of the Regional Director, Commission on Audit (COA) under the Contract Review Report dated February 27, 1995.

“On June 5, 1995, the said ‘Counter-Reply and Motion to Dismiss’ was denied.

“On June 6, 1995, finding sufficient basis to conduct administrative investigation of the supplemental charges, respondents Gellor and Balandra were required to file their respective counter-affidavits.

“On June 22, 1995, respondents filed motion for reconsideration of the order of this Commission dated June 5, 1995 denying the motion to dismiss; and before the Commission could rule on the motion for reconsideration, on the same day of June 22, 1995, ‘Motion to Set Aside Order and to Dismiss Supplemental Charges’ dated June 21, 1995 was filed by respondents.

“On June 26, 1995, this Commission denied for lack of merit, both the said motion for reconsideration and the motion to dismiss.

“Because of the repeated refusal of respondents to file their answer, complainants presented their evidence and on August 3, 1995, filed their ‘Formal Offer of Exhibits and Evidence’ dated July 24, 1995.

“On August 4, 1995, respondents filed their ‘Answer to Supplemental Charges.

“Despite the opposition of complainants for the admission of the ‘Answer to Supplemental Charges’, the same was admitted and respondents were allowed to present testimonial evidence.

“Successive motions to dismiss and motions for reconsideration on identical (sic) grounds were repeatedly filed by respondents. All of them were denied for lack of merit.

“On January 3, 1996, this Commission resolving the respondents’ Motion to Dismiss the Supplemental Complaint ordered the dismissal of all the charges except the following: (a) Concreting the 250-meter campus road for P630,500.00; (b) Construction of Student Ladies’ Dormitory for P2,683,021.69; (c) Construction of Student Center for P1,795,000.00; (d) Construction of Veterinary Med. Building Phase I for P2,498,349.04; (e) Construction of Veterinary Med. Building Phase IIb for P1,080,258.25; (f) Construction of the Veterinary Med. Building Phase III for P998,075.00; and (g) Construction of Veterinary Med. Building Phase III for P324,718.91, all through negotiated contracts.”

Against the foregoing backdrop, the PCAGC recommended the dismissal of the complaint against respondent Liberato Balandra on jurisdictional ground, the latter not being a presidential appointee. On the other hand, the PCAGC upon the following basic set of facts, principal issues and the differing positions assumed by the parties, to wit:

“In brief, the indisputable facts involved are as follows: (a) that an invitation to pre-qualify and bid was published by the [CMU] with the Daily Post; (b) that twelve (12) construction firms responded to the invitation submitting thereby pre-qualifications documents/papers; and (c) that the infrastructure projects were instead awarded by negotiated contracts.

The complainants claimed that awarding the projects to FGW by negotiated contracts and not through public bidding as earlier announced was contrary to law.

On the other hand, the respondents claimed that resort to negotiated contracts as a mode of awarding the projects to FGW was in consonance with Presidential Decree No. 1594.

Clearly, therefore, the only issues to be resolved . . . are: (a) Whether or not the award of the above-mentioned infrastructure projects of the . . . (CMU) in favor of FGW Construction was in accordance with law; and (b) Whether or not the respondents were guilty of violating Sec. 3 (e) of [R.A.] 3019, as amended, . . .”

recommended that respondent Jaime C. Gellor, be found guilty as charged, on the strength of the following observations and premises:

“Respondents’ claim for the legitimacy of entering into negotiated contracts in the construction of the infrastructure projects on the university hinges on the following: (1) that the contractor FGW Construction had an on-going construction contract with the university contiguous to the new projects; (b) that the cost is lower than the agency cost estimate; (c) that the contractor had no

negative slippage; and (d) that representatives of the Commission on Audit who prepared the Contract Review Report found the construction projects to be in order or 'reasonable'.

"Complainants' evidence, however, showed: (a) that the actual cost of the concreting of the 250-meter campus road was P630,500.00 and not P600,000.00 as claimed by the respondents; (b) that the representatives of COA visited the projects only once and failed to verify if the materials used were as specified in the plans and specifications; (c) that FGW Construction had been 'blacklisted' by the previous university administration; (d) that the Technical Committee whose function was to inspect compliance of contractors with the plans and specifications of infrastructure projects was abolished by respondent Gellor and appointed in its place Balandra; and (e) that Balandra was installed as a one-man team to perform all of the following: prepare plans and specifications of infrastructure projects of the university, approve agency estimates, Chairman of the PBAC, negotiate, inspect constructions, and recommend payments, etc.

"Having chosen 'negotiated contract' as the mode to pursue the infrastructure projects of the university to a favored contractor, FGW Construction totally ignoring the publication of the notice to pre-qualify and bid and the fact that 12 contractors responded to the said notice, respondent Gellor, President of the Central Mindanao University (CMU) entered into contracts, on behalf of the government, manifestly and grossly disadvantageous to the university (Sec. 3 (g) of Republic Act 3019, as amended), and giving a private entity 'unwarranted benefits, advantage or preference in the discharge of his official, administrative xxx functions through manifest partiality, evident bad faith or gross inexcusable negligence' (Sec 3 (e) of Republic Act 3019, as amended).

"Going back to the Order of February 13, 1995, giving due course to the letter-complaint, this Commission required respondents to file their respective Statements of Assets and Liabilities for the last three years 1992, 1993 and 1994.

"An examination of the said statements disclosed that respondent Gellor had an 'excessive Cash on Hand and in Banks': for 1992 – P1.2 million; 1993 – P1.6 million; 1994 – P1.8 million, and an almost equivalent amount of loans.

"Respondent Gellor explained that he had the actual capacity to acquire such amount considering his 'financial stature and his sources of income' enumerating for this Commission all his properties, both acquired and inherited. He claimed that in declaring his cash position he should be appreciated because of his honesty.

"In like manner, respondent Gellor was also required to explain his loans and for the purpose, he filed with this Commission, the following:

Annex "A"	Promissory Note dated February 11, 1991 in favor of Mrs. Ruth Acosta of Acosta Milling and Grains Store.	₱500,000
Annex "D"	Statement of Accounts ₱210,000 representing unpaid rentals for heavy	₱210,000

*equipment of Limbo Corporation dated
March 20, 1991.*

<i>Annex "D-1"</i>	<i>Billing charges of December 31, 1992 for sand and gravel from Lagumbay Construction</i>	<i>₱510,500</i>
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<i>Annex "D-2"</i>	<i>Affidavit executed by Mrs. Lilia G. Abao, attesting to the fact of loan of respondent Gellor dated August 9, 1997, for a loan incurred allegedly in 1992.</i>	<i>₱200,000</i>
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'A closer scrutiny of the papers/documents submitted by respondent Gellor indicates that the same were falsifications. The papers on which the documents were printed were new not of the 1992 vintage papers, which should be yellowish at this point in time (six years, hence).

"Understandably, in his eagerness to explain his excessive wealth, beyond his capacity to earn, and to extricate himself from apparent inconsistencies, he resorted to a graver offense – falsification of public and/or commercial documents defined and penalized by the Revised Penal Code" (Underscoring added)

The findings and conclusions of the PCAGC, supported as they are by, or at least reasonably inferable from, substantive evidence on record commend themselves for concurrence.

But by way of observation, I am at a loss to understand why one has to resort, as respondents did, to negotiation when a score of bidders have responded to a published notice to pre-qualify and bid for the projects in question. Save perhaps in furtherance of a scheme to accommodate a favored contractor – the FGW Construction, in this case – most likely for valuable consideration, respondent Gellor's action of choosing negotiation over bidding as a mode of contract award admits of no other logical explanation. And given that Gellor had not satisfactorily explained what the PCAGC termed as his "*excessive Cash on Hand and in Bank*" reflected in his 1992, 1993 and 1994 Statement of Assets and Liabilities, it may not be farfetched to state that his excess cash was obtained thru means less than honest.

Heads of institutions of learning, like respondent Gellor, are supposed to be models of honesty and uprightness, they being shapers of young minds and molders of characters. But far from setting right examples, respondent Gellor did, under the premises, the exact opposite. And with the view I take of the situation, respondent Gellor's dishonest act/s subject of this case is not an isolated incident, what with the documented fact that he is facing in other fora charges for violation of the Anti-Graft Law. Needless to state, he is undeserving to remain in the service.

FOR ALL THE FOREGOING, Jaime M. Gellor is hereby found guilty as charged. Accordingly, and as recommended by the PCAGC, he is hereby DISMISSED from the service, with all the accessory penalties attached to the penalty of dismissal, effective upon his receipt of this order.

For reasons stated in the report of the PCAGC, the case against Liberato Balandra is hereby DISMISSED, without prejudice, however, to the refiling of the same case to the appropriate body.

Done in the City of Manila, this 23rd day of September, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 21
IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR WITHOUT PAY ON
ASSISTANT PROVINCIAL PROSECUTOR ROGELIO P. CLOSA OF NUEVA ECIJA

This is an administrative complaint filed by Atty. Felicisimo N. Buazon against Assistant Provincial Prosecutor Rogelio P. Closa of Nueva Ecija for Grave Misconduct and Conduct Unbecoming of a Public Official.

It appears that complainant is the counsel of the accused in Criminal Case No. 3707, entitled “People vs. Felicidad Reyes” before Branch 87, Regional Trial Court, Gapan, Nueva Ecija.

Complainant alleges that on December 5, 1996, after learning that private complainant was represented by only one witness, Reynaldo Diego, he moved for the dismissal of said case, precipitating a heated argument between him and respondent prosecutor. While the presiding judge was going over the records of the case, respondent whispered “Buntalan na lang tayo” to complainant and the latter replied “Bahala ka”. Respondent then tried to attack complainant from behind but complainant was able to ward off his fist blows. The court threatened to hold them in contempt should they persist in their actuations.

During the second call of the case, complainant reiterated his motion to dismiss the criminal case, which made respondent angry. After the hearing, when complainant was about to leave the courtroom, respondent challenged complainant to a fistfight. Outside the courtroom, respondent waited. Upon complainant’s exit, respondent attacked and assaulted him with fist blows. To prevent complainant from parrying the blows of respondent, a driver-bodyguard of respondent held the hands of complainant. Respondents then hit the face and lower left breast of complainant in the presence of onlookers who tried to pacify the parties. After the mauling incident, complainant went to the Gapan Police Station to report the incident where respondent followed him and challenged him to a fight.

Complainant then submitted himself to a medical examination before Dr. Paquito Alarilla and then to Dr. Manalo P. Hernal, Jr. Dr. Hernal’s physical examination showed the following lesions, to wit: a) hematoma and abrasions on left zygomatic area; and (b) hematoma and abrasion on the left inframammary area. Dr. Hernal prepared a medical certificate containing the said findings and stating that the injuries will heal within four (4) weeks time, barring unforeseen complications. On the other hand, Dr. Alarilla, who was presented by respondent, found the following observations, to wit: hematoma left face, no other physical findings noted, three to five days healing without varying complication.

During the formal investigation conducted by the Office of the Regional State Prosecutor, Region III, respondent denied the accusations, stating that when he objected to the motion to dismiss, complainant provoked him by uttering uncalled for remarks and attributing the delay in the disposition of the case to the prosecution and that he did not hit complainant in the courtroom. However, he admitted that after the hearing, he hit complainant with his left hand outside the courtroom.

Upon review, the Secretary of Justice found respondent prosecutor liable for Simple Misconduct only and recommended that the penalty of one (1) month suspension without pay be imposed upon him.

While we agree with the Secretary of Justice's finding of guilt, a penalty higher than what is recommended should be imposed under the circumstances.

Concededly, complainant suffered physical injuries in the hands of respondent, per the medical certificates issued by Dr. Alarilla, a witness for the respondent, and Dr. Hernal, Jr., a witness for the complainant, although the extent of injuries varied. Considering the physical condition of complainant Buazon, it is highly improbable that he could have intentionally assaulted respondent. In fact, during the investigation of the administrative case, complainant was always assisted by a companion and had difficulty in walking and breathing whenever his emphysema would attack. Complainant had to be assisted by Mrs. Felicidad Reyes and her husband in going out. Complainant is 72 years old, 5'4 in height and weighs 113 lbs, while respondent Prosecutor Closa is 57 years old, stands 5'6 in height and weighs 134 lbs. Complainant is a diabetic and a COPD predominant emphysema patient who is also suffering from hypertension, while respondent is suffering from diabetes.

I also find the records bereft of any proof that respondent suffered any injury inflicted by complainant during the alleged fistfight outside the courtroom of RTC-Branch 87, Gapan, Nueva Ecija. Respondent's allegation that complainant intentionally confronted him cannot be given credence since, as alleged by witnesses of both parties, there was no other way for complainant to pass except through where respondent was standing.

We agree that while complainant's insistence to move for the dismissal of Criminal Case No. 3707, coupled with uncalled for remarks attributing the delay of the case to the prosecution, may have irked respondent, the same cannot be considered as sufficient provocation, for when an act of aggression is in response to an insult, affront or threat, it cannot be considered as a defense but only as a punishment inflicted on the author of the provocation. In such a case, it can be considered as a mitigating circumstance but never a reason for exemption. (Criminal Law, Kapunan and Faylona, 1993 Ed. P. 63. citing U.S. vs. Carrero, 9 Phil. 544, 546).

The act, however, of respondent, who is a lawyer, a public prosecutor and an officer of the court, of mauling complainant just outside of the courtroom is indeed condemnable. The fact that the driver of respondent held the hands of complainant makes it all the more reprehensible.

WHEREFORE, premises considered, Assistant Provincial Prosecutor Rogelio P. Closa of Nueva Ecija is hereby found guilty of misconduct and conduct unbecoming of a public official and suspended for a period of one (1) year without pay, with a stern warning that a repetition of the same or similar offense in the future will be dealt with more severely.

Done in the City of Manila, this 29th day of SEPT, in the year of our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 22
IMPOSING THE PENALTY OF SUSPENSION FOR SIX MONTHS WITHOUT
PAY ON ASSISTANT CITY PROSECUTOR MANUEL BATAO OF
THE CITY PROSECUTOR OFFICE OF DAVAO CITY

This refers to the two (2) administrative complaints of James H. Padilla II against Assistant City Prosecutor Manuel Batao of the Davao City Prosecutor Office (formerly connected with the Provincial Prosecution Office of Davao Oriental) for misconduct, conduct unbecoming of a public officer (Adm. Case No. 95-001) and for violation of the Code of Conduct and Ethical Standards for Public Officers and Employees (Adm. Case No. 95-002).

In Adm. Case No. 95-001, complainant alleges that at about midnight of November 2, 1994, while he was seated on a bench after having dispatched a bus bound for Davao City, respondent prosecutor unnoticed, suddenly struck his back with a revolver. He told respondent, “Ayaw sir, pinangga ta kaw” (Don’t sir, I love you). Thereafter, upon answering respondent prosecutor’s accusation that he cheated him of his share in the dispatching proceeds, respondent prosecutor again struck his right cheek with a revolver. He then ran towards his friend, namely, Leonilo Escosora, Aldong Cubero, and Roger Nazareno, but respondent prosecutor chased him and tried to shoot him three (3) times although the gun misfired. Heeding Nazareno’s plea not to fire his gun, respondent prosecutor challenged him to a fistfight which he refused and, instead, he reported the incident to the police. The following day he had himself examined by the municipal health doctor who issued a medical certificate.

In answer, respondent prosecutor avers that sometime in the month of February 1994, complainant, along with Cubero and Escosora, asked his permission to utilize the open space adjacent to his residence as a bus terminal. In consideration thereof, they (complainant and his friends) offered to equally share the dispatch collections with him, to which he agreed. At first collections were religiously remitted, but when complainant took over the dispatch of buses, the remittances became irregular due to complainant’s drinking and gambling. When he saw complainant in the evening of November 2, 1994, he confronted complainant about the dwindling dispatch collections.

He admits having punched complainant, but denies having used a firearm, as he swore that he does not possess any firearm. He, likewise, admits having challenged complainant to a fistfight as the latter was walking back and forth in front of his residence.

In Adm. Case No. 95-002, complainant alleges that the instant charge stemmed from the filing of an Illegal Fishing complaint against him by respondent prosecutor before the Office of the Provincial Prosecutor of Baganga, Davao Oriental (I.S. No. DOB-94-061). When he received the subpoena in the said complaint he discovered that the private complainant named in the subpoena was also the same prosecutor who sent him the subpoena. He deemed it anomalous as respondent prosecutor was both the person who instituted the illegal fishing complaint and the investigating prosecutor at the same time. The said act of respondent prosecutor is clearly violative of the provisions of R.A. 6713, (Code of Conduct and Ethical Standards for Public Officers and Employees) because prior to the filing

of said charge he had initiated a complaint for slight physical injuries and attempted murder against respondent prosecutor before the Office of the Ombudsman for Mindanao.

In answer, respondent prosecutor submitted a joint affidavit of Remedios Morales and Jesua Delosa, both employees of the Provincial Prosecution Office at the Sub-Station in Baganga, Davao Oriental, admitting that they were the ones who cause the preparation of the subpoena in I.S. No. DOB-94-061. They averred that when respondent affixed his signature on the subpoena, the space designated for the complainant was still blank. Without respondent prosecutor's knowledge, much less approval, Morales instructed Delosa to type the name of respondent prosecutor as the complainant in the case unmindful of the fact that in cases where there are no private complainants, the arresting officers should be considered as the complainants.

The Secretary of Justice, after the conduct of a formal investigation, found that respondent should be held administratively liable for conduct unbecoming of a public officer and recommended that he be meted the penalty of suspension from the service for one (1) month without pay.

The finding of the Secretary of Justice as the culpability of respondent merits concurrence. Respondent, however, deserves to be meted a penalty higher than what is recommended, the nature of the acts complained of considered.

Respondent prosecutor explicitly admitted having punched complainant in the evening of November 2, 1994 when the former confronted the latter about the dwindling and irregular remittances of his share in the collections relative to the dispatch of buses. In fact, respondent prosecutor, likewise, admitted having challenged complainant to a fistfight. However, on the issue of whether or not respondent prosecutor was in possession of a gun during the incident in question, we give credence to the latter's denial. Complainant's witness, Reynaldo Cubero, executed an affidavit of recantation withdrawing his first affidavit wherein he stated that respondent had a gun. In his second affidavit, Cubero stated that he signed the first affidavit because of misrepresentation and pressure exerted by the complainant to the effect that respondent prosecutor had included him in a theft charge, an allegation he later discovered to be untrue.

Moreover, it is surprising to note that Roger Nazareno, whom complainant alleged to have been present during the incident and to whom he ran to after respondent prosecutor chased him, did not corroborate complainant's accusation that respondent prosecutor was in possession of a gun during the incident in question. Instead, Roger Nazareno denied having seen respondent prosecutor with a gun and neither did he see respondent prosecutor aim nor fire a gun at the complainant.

Proceeding to the second charge, we find no administrative liability on the part of respondent prosecutor. It is of judicial notice that subpoenas are prepared by the steno-reporter/secretary of the investigating prosecutor. In the instant case, clerks Remedios Morales and Jesua Delosa attested to the fact that respondent prosecutor had no hand in the preparation of the subpoena sent to complainant in I.S. No. DOB-94-061. Although respondent prosecutor's name appeared as the complainant in I.S. No. DOB-94-061, the pertinent document attached to the subpoena, i.e., a copy of the complaint-affidavit of the arresting officers, shows that the said document served as the basis for the issuance of the subject subpoena. Besides, respondent prosecutor's subsequent act reveals that after the subpoena was sent, he inhibited himself and the investigation of the illegal fishing complaint was handled by another prosecutor from Mati, Davao Oriental.

Under the foregoing, while the second charge has no leg to stand on, I agree with the Secretary of Justice that respondent prosecutor's act of punching complainant and challenging him to a fistfight is condemnable. Such an actuation is, indeed, conduct unbecoming of a public officer. In enforcing his rights as a private citizen, respondent prosecutor is well aware of the available legal remedies,

but instead, he took the law into his hands and inflicted physical violence against the complainant. We abhor and condemn such an unwarranted behavior as it destroys the image of the prosecution service.

WHEREFORE, premises considered, Assistant City Prosecutor Manuel Batao of the Davao City Prosecution Office is hereby found administratively liable for conduct unbecoming of a public officer. Consequently, he is hereby SUSPENDED from the service for a period of six (6) months without pay.

Done in the City of Manila, this 29th day of SEPT., in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 23
IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR WITHOUT
PAY ON ASSISTANT PROVINCIAL PROSECUTOR CRISPULO TRUYA,
PROVINCIAL PROSECUTION OFFICE OF CEBU

This refers to the administrative complaint filed by Jesus Gelig Sr. against Prosecutor Crispulo Truya, 4th Assistant Provincial Prosecutor of Cebu, for gross negligence and inefficiency in the performance of duty.

From the records, it appears that on August 26, 1991, complainant was arrested by virtue of a warrant issued by the Municipal Circuit Trial Court of Daabantayan-Medellin Cebu on charges of direct assault with attempted homicide. The court conducted the preliminary investigation and found probable cause to hold complainant for the offense charged.

Thereafter, complainant was brought to the Cebu Provincial Detention and Rehabilitation Center where he was detained since October 3, 1991, until he was ordered released by the Regional Trial Court of Cebu on February 14, 1996, for having practically served the impossible penalty of the offense charged.

Complainant alleged that the delay in the resolution of his case is traceable to respondent's gross neglect in not filing immediately the information in court after his case was elevated to the Provincial Prosecution Office.

Respondent in his defense narrates that as far back as February 5, 1992, he had made his first draft of the information for direct assault with attempted homicide against complainant herein, followed by a June 2, 1992 draft and followed by his last draft dated June 10, 1992. The last draft, respondent claimed, bears a big check mark on the upper left hand corner indicating that it was ready to be finalized.

Meanwhile, respondent prosecutor, on May 16, 1994, was suspended for one (1) year for gross misconduct pursuant to Administrative Order No. 128 issued by this Office.

To exculpate himself, respondent submitted a photocopy of the subscribed affidavit of desistance signed by complainant dated April 5, 1996. Respondent certified the affidavit to be a true copy of the original on file.

Records show that complainant's case was assigned to respondent on October 7, 1991. After the requisite preliminary investigation, respondent recommended on September 30, 1995, the filing of an information in Court. On October 23, 1995, the information was approved for filing in court but it was actually filed in court only on February 1, 1996. On February 14, 1996, the Regional Trial Court dismissed the case and ordered the release of complainant.

This brings us to the pivotal issue of whether or not respondent should be held liable for gross negligence and inefficiency in the performance of his duty as a prosecutor.

The Secretary of Justice found, after a formal investigation, that respondent should be held administratively liable for the charges aforementioned and be meted the penalty of suspension for one (1) year.

I concur with said findings.

It is clear that respondent violated DOJ Circular No. 35 dated September 17, 1991 (amended by Department Circular No. 49 dated July 14, 1993 and further amended by Department Circular No. 24 dated March 24, 1995) which directed all prosecutors to observe a ninety (90)-day reglementary period for capital offenses and a thirty (30) day reglementary period for other cases within which to terminate and resolve the preliminary investigation of all complaints assigned to them. In the case at bar, the case was assigned to respondent on October 7, 1991 and he had thirty (30) days or until Nov. 7, 1991 within which to resolve the case. However, it was only on September 30, 1995 that respondent finally prepared his comment and recommendation enclosing therein the information against complainant. Thus, it can be said that respondent sat on complainant's case from October 7, 1991 to September 30, 1995, which is a span of almost four (4) years. This clearly violates the right of an accused to a speedy trial.

A delay of close to four (4) years cannot be justified by any of the arguments advanced by the respondent. Other than his drafts which were still subject to finalization, respondent has not presented other compelling evidence to rationalize the delay adverted to.

I find no merit in respondent's motion to dismiss based on an affidavit of desistance purportedly executed by the complainant. Said affidavit of desistance is only a photocopy of the original. As such, it is inadmissible under the best evidence rule. Besides, I am not inclined to dismiss the instant charge on account of the mere withdrawal of charges or desistance by the complainant as such withdrawal does not *ipso facto* discharge a respondent from liability especially when the charges can be proved by other evidence independent of the complaint and when the moral fitness of the employee is in question.. What is more, complainant is not competent to pass upon the guilt or innocence of respondent Truya.

I note that respondent prosecutor had been previously suspended for one (1) year, pursuant to Administrative Order No. 128. Be that as it may, respondent ought to have been more cautious and prudent in the performance of his duties. Public officials are under obligation to perform the duties of their office honestly, faithfully and to the best of their ability.

WHEREFORE, premises considered, respondent Assistant Provincial Prosecutor Crispulo Truya of Cebu is hereby found liable for gross negligence and inefficiency in the performance of his duty. Consequently, he is hereby suspended for a period of one (1) year without pay, effective upon his receipt hereof, with a warning that he shall be dismissed from the service upon a repetition of the same or similar offense in the future.

Done in the City of Manila, this 29th day of SEPT., in the year of our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 24
IMPOSING THE PENALTY OF FORCED RESIGNATION ON 2ND ASSISTANT
CITY PROSECUTOR ALBERTINO P. MATA, JR. OF MANDAUE CITY

This has reference to the administrative complaint filed against 2nd Assistant City Prosecutor Albertino P. Mata, Jr., of the City Prosecution Office of Mandaue City, for misconduct, conduct prejudicial to the best interest of the service, habitual tardiness, unauthorized absences from office and refusal to perform official duties.

Records show that City Prosecutor Ferdinand Peque of Mandaue City repeatedly issued several memoranda (dated June 28, 1994, June 29, 1994, September 16, 1994, October 19, 1994, February 22, 1995 and April 29, 1995) directing Prosecutor Mata to attend to the cases assigned to him because the cases under preliminary investigation, which by then were increasing, had remained unresolved beyond the reglementary period of sixty (60) days, while those cases pending trial had either been postponed or provisionally dismissed due to his (Mata's) absences. Relative to the cases pending trial, Regional State Prosecutor (RSP) Hernando Masangkay of Region VII and City Prosecutor Peque were furnished copies of various orders from the court where Prosecutor Mata was the trial prosecutor, all indicating that the latter had not been attending to the cases, thus resulting either to their postponement or provisional dismissal.

Thereupon, in view of the failure of Prosecutor Mata to comply with the aforementioned directives, City Prosecutor Peque formally lodged a complaint against the former with the Office of the Regional State Prosecutor of Region VII. RSP Masangkay then directed State Prosecutor (SP) Primo C. Miro to conduct a formal investigation on the said complaint against Prosecutor Mata who, despite the opportunity given him, failed to submit any controverting evidence. Based solely on complainant's allegations, SP Miro resolved the case and recommended the dismissal from the service of Prosecutor Mata to which RSP Masangkay concurred. Subsequently, Prosecutor Mata sought a reinvestigation of the case which was followed by a letter of resignation dated October 11, 1995. However, considering that said resignation letter could not be acted upon due to the pendency of the instant administrative case, the request for reinvestigation was favorably considered.

In his comment/answer, respondent prosecutor admits having been remiss in the discharge of his duties. According to him, he is experiencing the so-called "mid-life crisis", adding that he has been feeling empty and uncertain ever since he realized that he was getting older and that his children had all grown-up. In the same comment/answer, he appeals for compassion, promising to make amends by attending to his cases.

In his supplemental answer, respondent prosecutor avers that he has taken step to address his failure. He explained that his lapses in his official duties may be treated as "sins of omissions" since there is no showing that his tardiness and absences in court were done willfully and maliciously.

Pending termination of the reinvestigation, City Prosecutor Peque issued another memorandum, again directing respondent prosecutor not only to attend to his cases pending in court, but also to resolve those under preliminary investigation which had been pending beyond sixty (60) days and

increasing in number from thirteen (13) in January, 1996, to fifty-two (52) in March, 1996. Also, in the month of May, 1996, the court again issued orders indicating that respondent prosecutor had not been attending to the cases assigned to him.

After reinvestigation, SP Miro found respondent prosecutor liable for the offenses charged and recommended the latter's dismissal from the service, which recommendation was concurred in by RSP Masangkay. Although the Secretary of Justice found substantial evidence to hold respondent prosecutor administratively liable of the offenses charged, he merely recommended that respondent prosecutor be meted the penalty of forced resignation instead of dismissal from the service.

I concur with the findings and recommendation of the Secretary of Justice.

Indeed, respondent has been remiss in the discharge of his duties. His commission of the acts complained of greatly undermines the people's confidence in the prosecution service and ultimately in the administration of justice. However, the imposition of the penalty of dismissal against respondent would be harsh. The records show that respondent has been in the faithful government service for the last eighteen (18) years. Although respondent, in 1990, was admonished in disciplinary proceedings to be more circumspect, diligent and dedicated in the discharge of his official duties and responsibilities, it cannot be denied that he actually mended his ways and rectified his past failures. It was not until three (3) year later that he began to be remiss in the performance of his duties. Taking into account the foregoing circumstances and in the absence of any evidence showing that the commission of the acts complained of were willfully and maliciously done by the respondent not to mention his having tendered his resignation, *albeit* during the pendency of the instant administrative case, I agree that he deserves some measure of leniency and compassion in meting out the penalty.

WHEREFORE, premises considered, 2nd Assistant City Prosecutor Albertino P. Mata, Jr., of the City of Prosecution Office of Mandaue City is hereby found administratively liable of the offenses charged. Consequently, he is hereby meted the penalty of forced resignation, effective fifteen (15) days after his receipt of a copy of this Order as provided under Book VII, Sec. 15 of the Administrative Code of 1987.

Done in the City of Manila, this 29th day of SEPTEMBER, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 25

DIRECTING THE BASES CONVERSION DEVELOPMENT AUTHORITY (BCDA) TO REVIEW AND UPDATE AND, WHERE NECESSARY, MODIFY OR REVISE THE MASTER DEVELOPMENT PLANS FOR THE PROPERTIES IN THE METRO MANILA CAMPS TRANSFERRED TO IT PURSUANT TO REPUBLIC ACT NO. 7227, AS AMENDED, AND FOR OTHER RELATED PURPOSES

WHEREAS, under Republic Act No. 7227, Section 4, BCDA is empowered to own, hold and/or administer those portions of Metro Manila camps which may be transferred to it by the President;

WHEREAS, under Republic Act No. 7227, Section 8, the Metro Manila camps transferred to BCDA may be sold, in whole or in part, provided that the President has approved a development plan embodying projects for conversion;

WHEREAS, Master Development Plans (MDPs) for various former military camps, such as the Fort Bonifacio military reservation, Camp John Hay in Baguio City, and Wallace Poro Point in La Union, have been approved by the President;

WHEREAS, a portion of the former Fort Bonifacio military reservation has been sold within the general framework of the approved MDP;

WHEREAS, as found necessary, the original MDPs have been updated so as to make the planned land uses of the Metro Manila camps more responsive to the declared policy of Republic Act No. 7227 to enhance the benefits to be derived from said properties in order to promote national development;

WHEREAS, the Administration has declared its strong commitment to pursue a policy of socio-economic development, focus on the upliftment of the condition of the poor;

WHEREAS, in the light of the major programs of the new administration, the recent developments in, and the present state of the Philippine economy, it is imperative for BCDA to review the current MDPs to ensure that they are supportive of the economic and social reform policies of the Administration;

WHEREAS, considering that portions of the Metro Manila camps have been sold under the general framework of the MDPs, BCDA shall undertake the review of the MDPs with the participation of its current joint venture partners, property developers and investors.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Review of the Master Development Plans.* – BCDA is hereby directed to review and update and, where necessary, revise or modify the existing Master Development Plans of the Metro Manila camps transferred to it pursuant to Republic Act No. 7227. If any such camp, in whole or in part, has been sold, BCDA shall undertake such review with the participation of its joint venture partners, property developers and investors.

SEC. 2. *Authority to Negotiate.* – For the purpose of facilitating and expediting the review and revision of the MDPs, the BCDA is hereby authorized to negotiate immediately with an urban planner or an urban planning firm to undertake the review and revision.

SEC. 3. *Submission of Updated MDPs.* – Within two (2) months from effectivity of this Administrative Order, BCDA shall submit to the President for his approval the updated and revised MDPs covering major properties within former Metro Manila camps transferred to BCDA pursuant to RA 7227, particularly Fort Bonifacio and Villamor Air Base. The updated MDPs shall help promote the Administration's policies and programs, particularly the development of socialized and affordable dwelling units for the police and military personnel.

SEC. 4. *Assistance from Other Agencies.* – The following government offices, agencies or instrumentalities shall, upon request of BCDA, provide support assistance to BCDA in the review, modification, and implementation of the Master Development Plans:

- a. The concerned local government of the areas where BCDA properties are located, e.g. Municipalities of Taguig and Pateros, Pasay City, and Makati City – In incorporating or synchronizing the Master Development Plans for BCDA properties with their respective local development plans and zoning ordinances.
- b. The Housing and Land Use Regulatory Board – In the determination of appropriate land uses and development standards as well as approval of zoning ordinances.
- c. The Department of National Defense and the Armed Forces of the Philippines – In the speedy relocation of military facilities affected by the bases conversion program.
- d. The Housing and Urban Development Coordinating Council and the National Housing Authority – In the development of relocation programs for the informal occupants of BCDA properties.
- e. The Department of Interior and Local Government/Philippine National Police – In facilitating and ensuring peace and order in the relocation of informal occupants within BCDA properties.
- f. The Department of Environment and Natural Resources – In facilitating the issuance of Special Patents or Titles and Environmental Clearance Certificates for BCDA properties.
- g. The Department of Finance – In the allocation and utilization of funds needed for the various relocation and development activities of the bases conversion program.

All other government offices, including the Department of Transportation and Communication, and the Department of Public Works and Highways, shall likewise extend the necessary assistance and support to BCDA in the review and modification of the MDPs.

SEC. 5. *Repealing Clause.* – All administrative or executive orders, department and other agency issuances inconsistent herewith are hereby deemed repealed, modified or amended accordingly.

SEC. 6. *Effectivity.* – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 1st day of October, in the year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 26
DEFINING THE ADDITIONAL RESPONSIBILITIES OF THE PRESIDENTIAL ASSISTANT FOR
POVERTY ALLEVIATION, NGO AND PO

WHEREAS, poverty alleviation is the main agenda of the present administration and requires the utmost attention of the President;

WHEREAS, the participation of NGOs and POs in the poverty alleviation program of the government will enhance the successful implementation of the program;

WHEREAS, there are NGO and PO initiatives that can augment the poverty alleviation program of the government with activities that promote sustainability;

WHEREAS, innovative funding mechanisms with NGO and PO involvement directly contribute to the poverty alleviation program of the government as well as promote the empowerment of the NGO and PO in fund management;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the Presidential Assistant for Poverty Alleviation, NGO and PO to represent the Government of the Philippines and/or the Office of the President in the following bodies in ex-officio capacity:

Foundation for the Philippine Environment
Philippine Council for Sustainable Development
Coordinating Council of the Philippine Assistance Program

In addition, the presidential assistant shall work for the establishment of innovative funding mechanisms that will result in the reduction of the Philippine foreign debt, such as, but not limited to, debt-for-nature swaps and debt-for-equity swaps.

The concerned agencies, especially, the Department of Environment and Natural Resources, the Department of Finance, the Central Bank of the Philippines and the National Economic Development Authority, shall be guided accordingly.

This Order shall take effect immediately.

DONE in the City of Manila, this 1st day of October, in the Year of Our Lord Nineteen Hundred and Eighty-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 27
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF BENEFITS UNDER THE LAW OF ASSISTANT PROVINCIAL PROSECUTOR
CARLOS B. BARBERO OF ABRA

This is an administrative complaint initialed by the Department of Justice against Assistant Provincial Prosecutor Carlos B. Barbero of Abra, for serious misconduct inimical to public interest and gross dishonesty.

Respondent Provincial Prosecutor Carlos B. Barbero was charged administratively for having filed a motion which led to the dismissal of two (2) criminal complaints for Robbery with Homicide (Julie Dabbay Case) and Robbery with Rape (Juliet Velasco case) docketed as Criminal Case Nos. 1287 and 1288, respectively, of the Regional Trial Court of Abra.

The factual milieu of the administrative complaint as narrated in the letter-memorandum of then Secretary of Justice (now Senator) Franklin M. Drilon dated August 25, 1994, are as follows:

“The formal charge in the administrative case against respondent prosecutor thus reads:

‘1. That in the complaints for Robbery with Homicide and Robbery with Rape (Crim. Case Nos. 1287-1288) filed before the Regional Trial Court of Abra, Branch 2, you allowed the two (2) witnesses, Saelito Sabaot and Michelle Bringas (who were then the subject of a motion in court to be discharged as state witnesses), to be induced and made to recant without assistance of counsel, their previous voluntary confessions which were duly executed with the assistance of former Prosecutor and now PAO lawyer Sergio Paredes and freely subscribed before Asst. provincial Prosecutor Edgardo Flores;

‘2. That as trial prosecutor, you failed to require Sabaot and Bringas to take the witness stand to testify and be cross examined on their alleged recantations so as to counteract the same and introduce countervailing proof of their previously counseled confessions with the end in view of determining the circumstances and the motivation of their alleged recantations;

‘3. That you allowed incompetent evidence to be the basis for the dismissal of the case wherein the affidavits of desistance and the recantations were merely marked as exhibits but never formally offered in evidence; thus, violating Rule 132 of the Rules of Court;

‘4. That you committed gross dishonesty when you denied under oath having made the motion in court to dismiss the case it appearing

from the transcript of stenographic notes of the hearing of October 14, 1993 that it was you who moved for the dismissal of the case.’

“Required to comment, respondent prosecutor denies the charges leveled against him and alleges that there is no way for him to have allowed Sabaot and Bringas to be induced and made to recant their previous voluntary confessions because they were not under his protective custody. Further, respondent prosecutor states that the documents were not merely marked but were submitted to the court which subsequently gave it probative value. Respondent also claims that he did not question the due execution of these documents because he was the administering officer thereof.

“As to the charge of dishonesty, respondents prosecutor pointed out that his statement in his letter dated January 10, 1994 that ‘(i)t was accused, thru their counsel who moved for the dismissal of the case’, has reference to the October 11, 1993 hearing. He admitted though that he moved for their dismissal on October 14, 1993, in line with the accused’s constitutional rights to be presumed innocent and to a speedy disposition of their cases.”

In finding the respondent guilty as charged and recommending his dismissal from the service with forfeiture of benefits, the Department of Justice, in the said letter-memorandum, made the following findings and conclusions, to wit:

“After a painstaking evaluation of the evidences on record, State Prosecutor Menrado V. Corpuz, who conducted the formal investigation hereof, found respondent prosecutor guilty as charged. We agree with his evaluation and further sustain his recommendation that respondent prosecutor be dismissed from the service.

“The dismissal of Crim. Case No. 1287 (Robbery with Homicide) and Crim. Case No. 1288 (Robbery with Rape) on motion of respondent prosecutor that the guilt of accused cannot be proven beyond reasonable doubt in view of the retractions of the witnesses and the lack of interest of the parents of the victims, is highly reprehensible. Respondent-prosecutor’s precipitate act in moving to dismiss the subject cases despite sufficient evidence to secure the convictions of the seven (7) accused is the kind of gross and flaunting misconduct that so quickly and surely corrodes the respect for the law which is vital in civilized society.

“Indeed, notwithstanding the apathy of Bringas and Sabaot to the prosecution’s cause, respondent may call on Atty. Sergio Paredes (assisting counsel of Sabaot and Bringas) when they executed their extrajudicial confession, Prosecutor Edgardo Flores (administering officer) and SPO2 Antonio Carpio/SPO1 Samson Dumalo (investigating officers) who can attest to the voluntariness and regularity of the confession. As between the extrajudicial confession of Sabaot and Bringas and their Joint-Affidavit of Recantation, respondent prosecutor should have given more importance to the former there being no showing that it was obtained through violence, intimidation, threat, or promise of reward or leniency (People vs. Parojinog, 203 SCRA 673).

“As a ranking and veteran prosecutor, respondent prosecutor knows too well that a recantation does not necessarily cancel an earlier declaration. Like any other testimony, it is subject to the test of credibility based on the relevant circumstances and especially the demeanor of the witness on the stand. Indeed, retractions are mere afterthoughts which should be received with caution as otherwise it could make a solemn trial a mockery and place the investigation of truth at the mercy of unscrupulous witnesses. For these reasons, respondent prosecutor should not have initiated the dismissal of the subject cases, but instead insisted for a hearing on the affidavit of recantation of Sabaot and Bringas thereby affording him an opportunity to cross-examine and impeach them on the basis of their earlier extrajudicial confession which is presumed to have been regularly executed. In this way, the court would not simply admit as gospel truth such recantation but have to weigh it vis-a-vis the affiants previous confession. Respondent prosecutor’s serious misconduct is even made more manifest when he gave credence to the Affidavits of Desistance of the parents of the victims knowing only too well that such desistance is unavailing in criminal cases because as crimes are an outrage to the sovereignty of the state, its vindication must be in the name of the sovereign power.

“In allowing the introduction of evidence to be used as basis for the withdrawal of the criminal cases albeit the same had not been formally offered in evidence, respondent prosecutor had exposed his total disregard of, or indifference to, or even ignorance of the procedure laid down by law. Respondent’s intentional disregard of well known legal precepts can be characterized as gross misconduct. By his acts, respondent prosecutor had allowed the seven (7) accused to go unpunished resulting in public indignation which adversely affected the faith and confidence of the public in the administration of justice.

“Respondent prosecutor’s argument that as administering officer of the Joint-Affidavit of Recantation, he is barred from questioning its due execution is erroneous in the light of the parties’ earlier confession which enjoys the presumption of regularity. The rule is that a witness may be impeached by the party against whom he was called by evidence such as statements that he has made at other times but which are inconsistent with his present testimony.

“On this point, respondent prosecutor cannot pass on the blame to Judge Benjamin A. Bongolan even if the latter allowed the documents or evidence to be marked, allowed it to be submitted to the court, admitted the documents, ordered it to be attached to the records and finally, used and considered the said evidence and documents as the basis for the dismissal of the cases. All these came to pass only because respondent prosecutor had initiated the motion for the dismissal of the cases.

“Respondent is also guilty of gross dishonesty. His assertion that ‘it was accused, thru their counsel, who moved for the dismissal of the cases on October 11, 1993’ has nothing to commend itself. Nowhere in the transcript of the stenographic notes of the October 11, 1993 hearing does it show that Atty. Feir moved for the dismissal thereof. On the contrary, it was respondent prosecutor who moved for such dismissal which was favorably granted by the court as per

the TSN of the October 14, 1993 hearing. Whatever his reason was in resorting to such deception, does not speak well of his integrity.

“What is exposed by the evidence adduced in this administrative investigation is the sad spectacle of a public prosecutor who is ignorant of fairly elementary legal principles, exhibits indifference to, and even disdain for the rule of law, applies the law whimsically, capriciously and oppressively, and displays bias and partiality and thereafter would not hesitate to resort to dishonesty to exculpate himself. These characteristics and quirks are impermissible in a public prosecutor.

“Finally, it must be stressed that a prosecutor must conduct himself in such a manner as to merit the respect, reverence and confidence of the people. His conduct must at all times not only be characterized by propriety but must also be above-suspicion. There is thus the utmost need for integrity and dedication in the performance of his function if only to preserve the public trust character of a public office. In these, respondent prosecutor failed miserably. He should not be allowed to stay a minute longer in the prosecution service.”

The actuations of respondent Barbero in the two criminal complaints show his determined effort to disregard existing policies on the prosecution of criminal offenders. The dismissal of the cases, despite the presence of sufficient and independent evidence to secure the convictions of the seven (7) accused, is, to say the least, a highly condemnable act. As a prosecutor, it is his sublime duty to prosecute and to serve the ends of justice without fear or favor, so that all parties who appears to be guilty therefor be meted the corresponding penalty regardless of their affiliations. Surely, his alacrity in filing the motion which eventually led to the dismissal of the criminal cases is a conduct that is exactly the opposite of what the government expects of its prosecutors in its vigorous and unrelenting campaign against criminality. His lack of zeal and dedication in pursuing the cause of justice has not only eroded the people’s faith in our ability to combat criminals, but also has considerably negated the gains achieved through the years. Given the foregoing factual backdrop, respondent Barbero is absolutely undeserving to continue in the government service. I fully agree with the findings and recommendation of the Secretary of Justice.

WHEREFORE, premises considered, Assistant Provincial Prosecutor Carlos B. Barbero of Abra is hereby **DISMISSED** from the service, for serious misconduct inimical to public interest and for gross dishonesty, with forfeiture of all benefits under the law.

Done in the City of Manila, this 8th day of OCTOBER, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 28

APPROVING AND DIRECTING THE IMPLEMENTATION OF RESOLUTION NO. 98-03,
DATED AUGUST 25, 1998, REVISING THE RATES OF FEES CHARGED AND COLLECTED BY
THE GAMES AND AMUSEMENTS BOARD

WHEREAS, under Presidential Decree No. 871, the Games and Amusements Board is empowered to promulgate rules and regulations to govern the conduct of professional basketball games and other professional games.

WHEREAS, Section 1 of Executive Order No. 159, series of 1994, directs all departments, bureaus, offices, units and agencies, including government owned and controlled corporations to revise their fees and charges to recover at least the full cost of services rendered and in order to make present fees and charges more realistic.

NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby approve and direct the immediate implementation of Resolution No. 98-03 dated August 25, 1998, hereto attached as "Annex A".

Done in the City of Manila, this 8th day of OCTOBER, in the year of Our Lord Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 29
CREATING TASK FORCE DIWA ON MT. DIWALWAL / MT. DIWATA
MINING OPERATIONS.

There is hereby created Task Force “DIWA” to be composed of the following:

<i>Secretary</i> , Department of Environment and Natural Resources (DENR)	–	Chairman
<i>Secretary</i> , Department of Justice or Representative (DOJ)	–	Member
<i>Undersecretary</i> , Department of Interior and Local Government or Representative (DILG)	–	Member
<i>Governor</i> , Compostela Valley	–	Member
<i>Commissioner</i> , Bureau of Internal Revenue or Representative (BIR)	–	Member
<i>Governor</i> , Bangko Sentral ng Pilipinas or Representative (BSP)	–	Member
<i>Representative</i> , Office of the President, PA Rolando Ramirez (OP)	–	Member
<i>Representative</i> , Private Sector Mr. Bonifacio Sing	–	Member

The Task Force shall formulate policies and action plans concerning Mt. Diwalwal / Mt. Diwata Mining Operation for approval of the President.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 30
IMPOSING THE PENALTY OF SUSPENSION FOR ONE YEAR WITHOUT PAY
ON ASSISTANT CITY PROSECUTOR RAMON E. SAN AGUSTIN, JR.
OF THE CITY PROSECUTION OFFICE OF MANDAUE CITY

This refers to the administrative complaint filed by City Prosecutor Ferdinand G. Peque, City Prosecution Office, Mandaue City, against Assistant City Prosecutor Ramon R. San Agustin, Jr. of the same office, for grave misconduct, gross insubordination and refusal to perform official duty.

The facts of the case are as follows:

Complainant City Prosecutor alleges that on September 19, 1995, an information for violation of Section 16, Article III, Republic Act. 6425, as amended, was filed by the Philippine National Police (PNP) against Fritz Callelero and Theodore Garaygay before the Regional Trial Court, Branch 28, Cebu City, docketed thereat as Crim. Case No. DU-5178. Upon motion of the accused and without objection on the part of respondent prosecutor San Agustin, the assigned prosecutor thereat, the scheduled arraignment on November 16, 1995 was deferred and a reinvestigation was ordered by the court.

In a reinvestigation report dated March 22, 1996, respondent prosecutor recommended the dismissal of the case. Complainant City Prosecutor, however, disapproved/reversed the said recommendation in his order dated April 19, 1996 embodied in respondent prosecutor's reinvestigation report (third page) and sustained the filing of an information in court against Fritz Callelero and Theodore Garaygay. Subsequent thereto and during the leave of absence of complainant City Prosecutor, respondent prepared a similar report/recommendation of dismissal dated May 17, 1996, and had the same approved by OIC/Assistant City Prosecutor Carmelita Terez. This reinvestigation report/recommendation of dismissal was filed in court and was later made the basis for the court's dismissal of the case.

Upon reporting for work, complainant City Prosecutor directed respondent prosecutor to explain the dismissal order issued by the court. For failure of respondent to comply with this directive, complainant City Prosecutor filed an administrative complaint against respondent prosecutor before the Office of the Regional State Prosecutor.

A fact-finding investigation was initiated by the Office of the Regional State Prosecutor (RSP), but despite notice, however, respondent prosecutor failed to file his answer. Moreover, complainant City Prosecutor was found to have issued another memorandum dated July 30, 1996, directing respondent prosecutor to file a motion for reconsideration of the court's order of dismissal in Criminal Case No. DU-5178 and in the event of a denial thereof, to file a new information against the accused. However, as of August 15, 1996, when the decision on the complaint was rendered, respondent prosecutor took no action thereon. Hence, the RSP's recommendation that respondent prosecutor be formally charged for serious misconduct, gross insubordination and refusal to perform official duty.

Respondent prosecutor elected for the conduct of a formal investigation and refuted the charges. He averred that his first reinvestigation report dated March 22, 1996, was an honest assessment/

evaluation that the case should be dismissed. When he submitted his resolution to complainant City Prosecutor for the latter's "initial perusal and scrutiny without finality", the resolution was returned to him with "notations". Believing that it was necessary to justify his recommendation for the dismissal of the case and/or additional matters need to be incorporated, he made verbal explanations to complainant City Prosecutor regarding loopholes in the evidence and requested for a further discussion of the case. Complainant City Prosecutor, however, went on leave and as the court's allotted time had lapsed, he was constrained to file another reinvestigation report dated May 17, 1996 which was approved by OIC Terez. This report was filed in court and on the basis thereof, the case was dismissed.

Upon complainant City Prosecutor's return, respondent prosecutor was asked to explain the court's dismissal order. Since the case folder was missing, he complied verbally and asked for an extension of time within which to file his answer. Complainant City Prosecutor did not, however, wait for the answer and filed the instant complaint/matter before the office of the RSP. After due notice, respondent prosecutor verbally explained to RSP Masangkay and to the investigating prosecutor regarding the still missing case folder. He then filed an ex-parte motion for an extension of time within which to file his answer. For failure of respondent prosecutor to file his answer within the time granted him, the administrative complaint of City Prosecutor Peque was forwarded to the Department of Justice.

During the intervening period, complainant City Prosecutor again issued a memorandum dated July 30, 1996, directing him to file before the court a motion for reconsideration of its order dismissing the Callelero case. Thus, on August 23, 1996, he filed the corresponding motion in court for which the case was ordered revived and the accused were arrested.

During the conduct of the formal administrative investigation, complainant City Prosecutor manifested that the instant case arose from a mere misunderstanding. Openly professing his faith on the ability of respondent prosecutor, complainant City Prosecutor avers that the investigation of the former was not necessary as the mistake committed by said respondent prosecutor had already been corrected when he (respondent prosecutor) caused the revival of the case which is now undergoing trial and for which a possible conviction is foreseen. The accused had, however, jumped bail.

After a careful evaluation of the evidence on record, I find, as did the Secretary of Justice, respondent Prosecutor Ramon E. San Agustin, Jr. administratively liable for grave misconduct.

Complainant City Prosecutor's disposition dated April 19, 1996, on respondent prosecutor's reinvestigation report dated April 19, 1996 clearly reversed the latter's findings that the criminal complaint against Callelero and Garaygay should be dismissed and "sustained the filing of the information in court." Notwithstanding said disposition, respondent prosecutor conveniently treated these as mere "notations" made by complainant City Prosecutor upon the latter's "initial perusal and scrutiny without finality" of his reinvestigation report. While he avers to have asked complainant City Prosecutor for more time to discuss the case, no evidence was presented to show that an action thereon was taken from the time he was reversed by complainant City Prosecutor up to May 17, 1996 when, during the latter's leave of absence, he submitted a re-written report to OIC Terez for approval. By itself, the act is not only anomalous having been done during complainant City Prosecutor's absence, but is also an open and deliberate disposition on the case apparently done for the purpose of granting benefits to the accused. To be sure, having been in the prosecution service for quite sometime, respondent prosecutor is well aware that his actuations is a clear violation of established rules and regulations specifically Section 4 of Rule 112 of the Rules on Criminal Procedure, in that the findings of his superior (in this case, the City Prosecutor) is the final disposition on the results of the reinvestigation.

While it appears that respondent prosecutor complied with the subsequent directives of complainant City Prosecutor, albeit belatedly, it further proves respondent prosecutor's stubbornness in not immediately following the lawful orders of his superior.

Complainant City Prosecutor's subsequent manifestations about the case arising from a mere misunderstanding with respondent prosecutor and that he still has faith in the latter's ability to prosecute cases do not absolve respondent prosecutor's administrative liability under the premises, there being truth to the charges made. Moreover, what is sought in an administrative case is the improvement of the public service and the preservation of the faith and confidence of the people in their government and its officials. Considering, however, that this is respondent prosecutor's first offense in an otherwise unblemished record, we believe that his administrative liability should be mitigated.

Government employees and officials hold a public trust and by reason thereof they should act in a manner befitting the honor and dignity of their positions. The behavior of respondent prosecutor in the handling of the investigation/reinvestigation of the Callejero, et. al. case in question certainly falls short of this norm or standard of behavior.

Complainant City Prosecutor's subsequent stand for respondent prosecutor herein is not material to the latter's chastisement. To condition administrative action upon the will of every complainant, who may, for one reason or another condone a reprehensible act, is to strip off the power of the proper authorities to discipline persons in the government service. Besides, complainant is, in a real sense, only a witness for the government.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant City Prosecutor Ramon E. Agustin, Jr. of the Office of the City Prosecutor of Mandaue City is hereby suspended from office for a period of one (1) year without pay.

Done in the City of Manila, this 27th day of OCTOBER, in the year of our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 31
PROVIDING GUIDELINES FOR THE IMPLEMENTATION OF SPECIAL PROVISION NO. 7
ENTITLED “USE OF SAVINGS” SPECIAL PROVISIONS APPLICABLE TO THE
ARMED FORCES OF THE PHILIPPINES

WHEREAS, RA 8522 FY 1998 General Appropriations Act (GAA), under its Special Provisions No. 7 of the Special Provisions applicable to the Armed Forces of the Philippines (AFP) provides that the Chief of Staff, AFP is authorized to use any savings in any appropriation, therein subject to the approval of the Secretary of National Defense,

WHEREAS, the President’s veto message on this GAA, included Special Provisions No. 7 for conditional implementation subject to the issuance of appropriate administrative guidelines to be formulated by the Executive Branch pursuant to Section 1 and 17, Article VII of the 1987 Constitution; Section 35, Chapter 5, Book VI of Executive Order No. 292; and Sections 65 and 66 of the Government Auditing Code of the Philippines.

WHEREAS, Section 25(5), Article VI of the 1987 Constitution vests authority upon the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court and the heads of Constitutional Commissions, the availment in the use of savings, when so allowed by law;

NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The Chief of Staff, AFP, is hereby authorized, subject to the approval of the President upon the joint recommendation of the Secretary of National Defense and the Secretary of Budget and Management, to use savings in the appropriations for the AFP, according to the following purposes:

- a. Payment of previous years’ legally valid obligations;
- b. Acquisition of sites under lease or currently being used by the AFP; payment of boundary, relocation and subdivision surveys for titling of AFP real estates; development and payments for the amortization of housing loans contracted by the AFP exclusively for military housing;
- c. Purchase or manufacture of ammunitions and components to build up the reserve stocks of the AFP Reserve Force;
- d. Payment of gratuities and pensions of military personnel pursuant to P. D. No. 1638;
- e. Payment for damages to properties and compensation for injuries or death of civilians resulting from AFP’s operations.
- f. Procurement of foodstuffs for units actually engaged in security/counter-insurgency operation in combat areas;

- g. Adjustment in flying pay, sea duty pay, hazardous duty pay, instructor's duty pay, hardship allowance and subsistence allowance and overseas pay and allowances of military personnel performing peacekeeping duties abroad as may be authorized by law;
- h. Hospitalization of military dependents;
- i. Subsistence of military personnel serving sentence;
- j. Funding deficiencies for clothing and quarter allowances of military personnel;
- k. Funding deficiencies due to increased charges for petroleum, oil lubricant; light, power, water, telephone and rentals and for payment of rewards;
- l. Funding deficiencies for separation benefits of CAFGU;
- m. Insurance coverage of Reservists during regular active duty training;

SEC. 2. A quarterly report on the use of savings shall be submitted to the House Committee on Appropriations, the Senate Committee on Finance and the Department of Budget and Management.

SEC. 3. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 27th day of OCTOBER, in the year of Our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 32
INSTITUTIONALIZING THE “LINIS BAYAN” PROGRAM

Whereas, in order to address the effects of the La Nina phenomenon, a national clean-up day called “Brigada Kontra Baha, Kiti-Kiti, Basura, Atbp. National Clean-Up Day” was held on 17 October 1998;

Whereas, there is need to continue and institutionalize the clean-up activities to control flooding and the outbreak of water borne diseases during this period; and

Whereas, there is need to mobilize all sectors of the society, with the government sector as the lead, to promote the clean-up campaign.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law do hereby order:

Section 1. There is hereby implemented a “*Linis Bayan*” Program effective 7 November 1998, a nationwide clean-up campaign to encourage the promotion and practice of cleanliness in all government offices, schools, communities and homes.

Sec. 2. All government agencies, offices, government owned and controlled corporations (GOCCs), including local government units (LGUs) are hereby directed to actively support and participate in the program.

In this regard, all government agencies/offices, GOCCs and LGUs shall formulate their respective action plans toward ensuring clean surroundings, enhancing healthy environment, and instilling the values of cleanliness among their respective constituents.

The private sector and all households are also encouraged to actively participate in the program.

Sec. 3. The National Disaster Coordinating Council (NDCC) shall coordinate, orchestrate and monitor all activities related thereto.

The NDCC is empowered to call upon any department, agency, office and instrumentality for such assistance as it may need in the discharge of its functions.

The NDCC shall provide the President regular reports on the status and accomplishments of the program.

Sec. 4. This Administrative Order shall take effect immediately.

DONE in the city of Manila, this 3rd day of November, in the year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 33
AUTHORIZING THE CAP GENERAL INSURANCE CORPORATION TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that, whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing, or refraining from doing anything, and such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing solely of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, judge, officer, board, or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, not unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances stipulations, bonds, and undertaking;

WHEREAS, the CAP GENERAL INSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines, and fulfills the conditions prescribed by the said Act. No. 536, as amended;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, hereby authorize CAP General Insurance Corporation to become a surety upon official recognizances, stipulations, bonds, and undertakings, in such manner and under such conditions as are provided by law, subject, however, to the condition that the amount constituting the contributed surplus fund shall not at anytime be withdrawn without prior recommendation and justification by the Insurance Commissioner, duly approved by the Secretary of Finance, and provided further, that the moment CAP General Insurance Corporation becomes indebted to any government instrumentality or political subdivision thereof, or to any government-owned or controlled corporation in the total amount of P50,000.00 accruing from the issuance of bonds, the same having become due and demandable, the insurance company must voluntarily desist from writing or issuing all kinds of bonds until the outstanding liabilities in government bonds shall have been fully paid or settled. Non-payment of liabilities shall be a cause for the immediate revocation of this Administrative Order.

Done in the City of Manila, this 4th day of NOVEMBER, in the year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34

**CREATING A COMMITTEE TO REVIEW THE ACCOMPLISHMENTS, LEGAL MANDATE
AND FUNCTIONS OF CERTAIN AGENCIES WITHIN THE EXECUTIVE DEPARTMENT AND
RECOMMEND POLICY INITIATIVES APPROPRIATE THERETO**

WHEREAS, in line with the current thrust to streamline the bureaucracy to adequately respond to the growing needs of the masses, there is a need to review the current accomplishments, legal mandate and functions of the different agencies and offices within the Executive Department;

WHEREAS, these agencies include those primarily functioning as “advisory bodies” to the Office of the President on matters affecting the preservation, ecological restoration and development of certain historical and tourist sites;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. A Committee is hereby created to review the accomplishments, legal mandate and functions of the following Presidential Commissions:

- a. Ifugao Terraces Commission
- b. Tagaytay-Taal Presidential Commission
- c. Vigan Heritage Village Commission
- d. Bicol Tourism Special Development Project Commission

SEC. 2. The Committee shall be composed of the following:

Secretary, Department of Tourism	– Chairman
Secretary, Department of Environment and Natural Resources	– Vice-Chairman
Secretary, Department of Budget and Management	– Member
Undersecretary, Department of Interior and Local Government	– Member
General Manager, Philippine Tourism Authority	– Member

SEC. 3. The Committee shall submit a comprehensive report and its recommendation to the Office of the President, through the Executive Secretary, within thirty (30) days from the effectivity of this Order. Towards this end, the Committee shall have the authority to require the affected commissions and other agencies and their executive officials to submit reports, position papers and other pertinent documents to facilitate the submission of this report.

SEC. 4. This Order shall take effect immediately.

Done in the City of Manila, this 13th day of NOVEMBER, in the year of our Lord, nineteen hundred and ninety eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 35

**AUTHORIZING THE GREAT DOMESTIC INSURANCE COMPANY OF THE PHILIPPINES,
INC. TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS,
BONDS AND UNDERTAKINGS**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, regional, city, provincial, municipal or otherwise, or of any undertaking, or for the doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board, or body, executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking, unless such corporation has been authorized to do business in the Philippines in the manner provided by the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings; and

WHEREAS, the **GREAT DOMESTIC INSURANCE COMPANY OF THE PHILIPPINES, INC.**, is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the power in me vested by law, do hereby authorize the **GREAT DOMESTIC INSURANCE COMPANY OF THE PHILIPPINES, INC.**, to become a surety upon official recognizances, stipulations, bonds and undertaking in such manner and under such conditions as are provided by law, except that the total amount in any single immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, Philippines, this 13th day of NOV., in the year of Our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 36

AMENDING AND REVOKING SPECIFIC PROVISIONS OF THE IMPLEMENTING RULES AND REGULATIONS OF R.A. 8425 GOVERNING THE NATIONAL ANTI-POVERTY COMMISSION

WHEREAS, pursuant to Administrative Order No. 11 dated 27 July 1998, the NAPC Lead Convenor was tasked to submit recommendations to the Office of the President within sixty (60) days upon effectivity of the said administrative order regarding the implementation mechanism for the establishment of the NAPC, particularly the nomination of the sectoral representatives;

WHEREAS, further delay in the submission of recommendations, particularly the nominations for sectoral representatives, to the Office of the President will jeopardize the Civil Society participation in the implementation of the Poverty Alleviation program of the government.

WHEREAS, the Implementing Rules and Regulations of R.A. 8425 should be concise, clear and in full compliance with the law;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. Section 2, Rule III – Appointment of Other Members to the NAPC, is revoked;
2. Section 3, Rule III – Executive Committee, is revoked;
3. Rules IV and V are revoked;
4. Sectoral Councils shall be formed as follows:

“The Sectoral Councils shall consist of fifteen members coming from the respective sectors listed in R.A. 8425 with the following geographic representations: 4 members from Luzon, 4 members from Visayas, 4 members from Mindanao and 3 members from the National Capital Region, Metro Cebu or Metro Davao.

The Preparatory Committees formed by the Lead Convenor shall submit their recommended criteria and mechanism for the Sectoral Assemblies, Sectoral Councils and nominations for Sectoral Representatives to the Office of the President not later than 15 December 1998. The Heads of Government Offices concerned may choose to support mechanisms and/or actions proposed by the Preparatory Committees in addition to the procedures outlined herein, provided that the deadline set is met.

The criteria for selecting the members of the Sectoral Councils, as well as the nominations for Sectoral Representatives shall be published in three newspapers of general circulation once a week for a period of two weeks and broadcast daily on television and radio for a period of two weeks. Nominations for the Sectoral Council members and Sectoral Representatives shall be submitted to the Office of the President and the Head of the Government Office concerned. A short list from the Office of the President of twenty-five (25) candidates for each Sectoral Council and three (3) candidates for each Sectoral Representative shall subsequently be posted in the central, regional and provincial offices of the government offices forming part of the NAPC and the Office of the President for a period of five business days.

The President shall appoint the fifteen (15) members of the Sectoral Councils and the Sectoral Representatives within fifteen (15) days from the period of posting the short lists.

5. All provisions of the Implementing Rules and Regulations referred to in Administrative Order No. 11 dated 27 July 1998 contrary herewith are deemed revoked, revised and amended accordingly.
6. This Order takes effect immediately.

Done in Manila, this 12th day of November, in the Year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Source: **Presidential Management Staff**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Management Staff.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 37

**AUTHORIZING THE GRANT OF AMELIORATION ASSISTANCE TO ALL GOVERNMENT
PERSONNEL AND PROHIBITING PAYMENTS OF SIMILAR BENEFITS IN FUTURE YEARS
UNLESS AUTHORIZED BY THE PRESIDENT**

WHEREAS, a number of government agencies granted Amelioration Assistance in varying amounts to their personnel invoking as legal bases therefore, Rule X of the Omnibus Civil Service Rules, as well as fiscal autonomy and authority to fix and authorize additional compensation pursuant to the enabling Acts or other statutes of some government-owned and -controlled corporations;

WHEREAS, other government entities now request authority to grant similar benefit to their personnel;

WHEREAS, the unilateral and uncoordinated grant of Amelioration Assistance gave rise to demoralization, discontent and dissatisfaction among government personnel who have less or have not yet received such benefit;

WHEREAS, there is need to regulate the grant of such benefit to ensure uniformity and equity and to conform with the policy of standardization of compensation enunciated under RA 6758;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, PD 985 and RA 6758, do hereby order and direct:

SECTION 1. All National Government Agencies, Government-Owned and -Controlled Corporations (GOCCs) and Government Financial Institutions (GFIs), and Local Government Units are hereby authorized to grant Amelioration Assistance not exceeding the maximum amount of Seven Thousand Pesos (P7,000) each to their personnel, regardless of salary and appointment status, who have rendered at least four (4) months of service as of the payment of the said benefit except those serving under service contract.

Personnel who rendered less than four (4) months of service shall be entitled to an amount proportionate to the actual service rendered while part-time personnel shall be entitled to one-half (1/2) of the benefit of a full-time personnel.

SEC. 2. Heads of NGAs, LGUs including GOCCs and GFIs as well as their respective governing boards are hereby enjoined and prohibited from authorizing/granting Amelioration Assistance or any other similar benefit without prior approval and authorization via Administrative Order by the Office of the President. Henceforth, anyone found violating any of the provisions of this Order, including all officials/employees and the COA Resident Auditor of such government entity found to have taken part thereof, shall be accordingly and severely dealt with in accordance with the applicable provisions of existing administrative and penal laws.

Consequently, all administrative authorizations granting any and all forms of additional compensation paid outside of the prescribed basic salary under RA 6758 that are inconsistent with the legislated policy on the matter or are not covered by any legislative action are hereby revoked.

SEC. 3. All government entities which authorized the payment of Amelioration Assistance in 1998 in excess of the amount authorized herein are hereby directed to cause the refund of the excess within a period of three (3) months to commence after the issuance of this Order.

SEC. 4. Entities are hereby allowed to pay the benefit herein authorized out of any available savings for FY 1998. In case of deficiency, the benefit shall be partially and uniformly implemented. No additional funds for the purpose shall be released by the Department of Budget and Management.

SEC. 5. In the case of GOCCs and GFIs the necessary amount shall be charged against their respective corporate funds, and local government units from their respective local funds.

SEC. 6. Strict compliance by all concerned with the provisions of this Order is enjoined.

SEC. 7. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 21st day of November, in the year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 38
IMPOSING THE PENALTY OF SUSPENSION FOR ONE MONTH UPON LULU V. MACANDOG,
ASSISTANT REGIONAL DIRECTOR FOR LIVESTOCK, ADMINISTRATION AND FINANCE,
DEPARTMENT OF AGRICULTURE, REGION FIELD UNIT NO. 5

This refers to the administrative complaint filed with the Presidential Commission Against Graft and Corruption (PCAGC or Commission) by Crisanto J. Ortega, charging respondent Lulu V. Macandog, Assistant Regional Director of the Department of Agriculture (DA), Regional Field Unit No. 5 (DA-RFU5), San Agustin, Pili, Camarines Sur, with connivance in the overpayment of a contract between the DA and the Philippine Rural Reconstruction Movement (PRRM).

The findings of the Commission are herein quoted as follows:

“In sum, complainant charges respondent and her co-employees at the DA-RFU5 with conspiracy in the overpayment of a contract worth P3,150,000.00 between the DA and the PRRM. The sum actually paid to PRRM totaled P4,851,000.00. Complainant alleges that the overpaid sum of (P1,701,000.00) was used by respondent and her cohorts for their own ends before the said money was eventually returned by PRRM to the account of the DA.

“In her Counter-Affidavit, respondent did not controvert the charge of overpayment and averred the following:

‘4. It is true that a contract for Coastal Resources Management (CRM) component of the Fishery Sector Program was entered into between the DA Central Office and the PRRM on October 22, 1992. However, the consideration and the amount paid to PRRM was P2,835,000.00 and not P3,150,000.00 as erroneously alleged in the complaint;

‘5. It so innocently happened that the office misappreciated the facts behind those payments at a time when everyone seems (sic) to be too pre-occupied in facilitating for payment the numerous obligations for purposes of the closing the books of accounts and preparing the year-end report, which led to the honest mistake of payment to PRRM, but strictly not a case of overpayment in the amount of P1,701,000.00. However, as evidence of good faith the said amount was timely and fully recovered and deposited to DA’s depository bank (Development Bank of the Philippines-Naga Branch) in a very short period of time upon its discovery, thereby causing no damage to the government . . .

‘x x x x x x

‘10. Even the fact finding committee created in our office finds no liability on our part as it was clearly a case of an honest mistake. If ever a slight form of negligence did set in, it can only be attributed to the Accounting Section which has direct access to the records of payment. My approving signature was in the form of a ceremonial act as relying upon the certification of prior signatories as usually in any other similar cases.

x x x x x x xxx.’

“Considering the fact that the parties do not dispute the return to the DA of the overpaid amount of P1,701,000.00 about a month later after it was paid, the remaining issue is whether respondent Macandog is culpable for the subject overpayment and the allegedly delayed return of the amount so overpaid.

“A perusal of the evidence presented by respondent shows that the controversy was investigated by the DA. The Regional Director of DA-RFU5 created a Fact-Finding Committee and the said Committee submitted its Report on August 22, 1995.

“The said Report stated thus:

“x x x x x x

‘It was gathered that on October 22, 1992, a “Contract for NGO Services” was entered into by and between the DA and PRRM for the purpose of managing and coordinating the Coastal Resources Management (CRM) component of the FOP in Lagoon Gulf . . . in consideration of the amount of P2,835,000.00 . . . which was made payable in six (6) different modes of payments.

‘The following payments were as follows:

‘x x x x x x x x x

‘4. 20% representing the 2nd Quarter payment in the amount of P567,000.00 (Check No. RP 488221F, dated October 11, 1993)

‘5. 10% representing the 3rd Quarter payment in the amount of P283,500.00 (Check No. RP 489290F, dated December 20, 1993)

‘It totaled in (sic) the amount of P2,835,000.00 representing the full amount payable to PRRM under the contract.

‘It was however, noted that on December 20, 1993, four (4) more vouchers were processed for payment in duplication of the last four payments indicated above but embodied in four different vouchers all dated December 4, 1992, as follows:

<u>Amount</u>	<u>Check No.</u>	<u>Date of Check</u>
₱ 567,000.00	RP489284F	December 20, 1993
567,000.00	RP489285F	December 20, 1993
283,500.00	RP489286F	December 20, 1993
<u>283,500.00</u>	RP489287F	December 20, 1993
₱ 1,701,000.00		

‘This was the alleged overpayment amounting to exactly P1,701,000.00 in favor of PRRM.

‘Upon clarificatory inquiries, it was shown that the vouchers used in the alleged overpayment were the ones prepared and submitted in December of 1992 . . . They bore the marks of regular vouchers and even bearing the initials from COA representatives indicating that they were in order. However, these were not considered for payment during the calendar year 1993 as they were kept as filed by the Bookkeeper and instead payments corresponding on (sic) the amounts thereon were made on staggered dates under currently prepared vouchers upon due demands.

‘Unfortunately those claim vouchers were considered for payment at a time when the Bookkeeper was not around to forewarn anybody that those were mere file vouchers, although not clearly indicated on its (sic) face, . . . It was coupled with the indications that enough funds were available for that purpose to guarantee such payments, and during the time when everything was in for the rush as occasional (sic) by the holiday season. It so coincided, as in any other agency, when all possible payments of claims are being facilitated for the closing of books of accounts and for the year-end reports (sic).

‘The alleged overpayment was promptly and properly noticed or discovered by the Bookkeeper herself when she already reported for work during the early part of January 1993, the ensuing year.

‘Immediately, thereafter, necessary representations were made to PRRM in Tabacco, Albay, although it also noticed the overpayment, which facilitated the return of the said amount in January 25, 1993 to the DA and correspondingly deposited with the DA’s depository bank (DBP Naga Branch the following day, January 26, 1993. These are all evidenced by the records on hand.

‘x x x x x x x x x

‘In view of the foregoing facts and circumstances, the committee is of the findings (sic) that no intentional mistake was ever committed by the concerned DA personnel and officials that caused no damage to the government. Although it was admitted that such fact did actually happen yet classified as one of those honest mistakes on the part of those directly misappreciated the records in facilitating such payments. . .

‘It must, however, be noted that the least of such honest mistake (sic) can be attributed to those who directly dealt with the records

concerning such obligations, but definitely not to those who merely and ceremoniously affixed their signatures on the face of those vouchers but without direct access with the necessary records appertaining thereto. These signatories merely relied, as is usually the case in all similar situations, on the honest counter-checking and certification made by those with direct access to counter check directly with the records.'

"Granting that, as opined by the Fact-Finding Committee in its Report, it is the Accounting Section of DA-RFU5 which is primarily responsible for the overpayment subject of this controversy, the Commission cannot fully exculpate respondent from liability therefor.

"Respondent cannot simply and conveniently point a finger at the Accounting Section and wash her hands of the incident since she is the approving officer who signed the vouchers involved in the overpayment. Respondent rests on the argument that the affixing of her signature on the vouchers is a purely ministerial act as she merely relied on the prior signatures of other officers in the said documents. The contention cannot be upheld for several reasons.

"First, the amount overpaid P1,701,000.00 is by no means unsubstantial. In the absence of specific internal control procedures, it is the lockout of respondent to exercise a greater degree of care and prudence in approving monetary disbursements and issuances, particularly those involving considerable amounts.

"Second, an examination of the four (4) disbursement vouchers 'inadvertently' used in the overpayment shows that the years in the dates thereof all appear to have been tampered with. . . the presence of such irregularities on the face of the subject vouchers should have served as adequate notice to the respondent to exercise greater caution before signing the said documents. The slightest hint or suspicion of any irregularity should be first looked into by the approving officer before any money is released. Failure to do so amounts to neglect of duty.

"To sustain the justification that the error of overpayment was made because everyone at DA-RFU5 was preoccupied with facilitating the payment of numerous obligations for purposes of closing the books of accounts and accomplishing the year-end report is to condone. . . negligence. In the case at bar, what occurred was not a innocuous mistake, but one that could have cost the government P1.7 million. The accounting staff and approving officers, by the very nature of their official duties, are tasked to be precise and circumspect, especially on the matter of disbursements as the same is, needless to say, a highly sensitive undertaking. It is beyond comprehension how four (4) vouchers already paid could still be utilized and processed anew if there were not something terribly wrong with the procedure being followed, or if someone were not out to commit a wrong-doing. As the approving officer, respondent was responsible for reviewing the validity of the claims, the signatures and the attachments to the vouchers. Had she truly done this, she would have discovered that the vouchers she was being asked to sign had already been paid. The respondent had the final say in the approval of those vouchers. If she was not certain as to the regularity thereof, she could have just ordered the preparation of the checks so they would be included in the accounts settled for that year but withheld their release for payment subject

to the verification by the bookkeeper upon her return. Therefore, it is clear that the respondent cannot hide behind the defense that her signature in the subject vouchers were purely ceremonial in nature.

“Third, respondent cannot rightly say that no loss to the government resulted from the overpayment on the ground that the same was timely discovered and the money promptly returned to the coffers. Admittedly, the government did not lose any interest during the one-month period it took to retrieve the money considering that its account with DBP is a current one. . .

“Granting that what is adverted to is potential and not actual loss, the damage or injury to the government may nevertheless be classified as ‘undue’. This is so because the overpayment should not even have occurred at all. By the overpayment, the government was needlessly exposed to the danger of losing funds. . .

“In light of the foregoing, the respondent is administratively liable for SIMPLE NEGLECT OF DUTY considering that her negligence resulted in minimal actual damage to the government and the error made was rectified within a relatively short period of time.

“WHEREFORE, the Commission hereby RESOLVES and so RECOMMENDS to the Office of the President the SUSPENSION for six (6) months of respondent LULU V. MACANDOG, Assistant Regional Director for Livestock, Administration and Finance of the Department of Agriculture, Regional Field Unit No. 5, pursuant to Section 22(a), Less Grave Offenses, Rule XIV of the Omnibus Rules Implementing Book V of E.O. 292, with a warning that the commission by respondent of the same or a similar offense shall be dealt with more severely.

“SO RESOLVED.”

A thorough perusal of the records of this case as well as of the evidence presented by both parties leads this Office to no further conclusion than to affirm the findings of the Commission. However, I am not predisposed to imposing the maximum penalty for the offense in the absence of any serious damage arising therefrom.

IN VIEW OF THE FOREGOING, the penalty of SUSPENSION FOR ONE (1) MONTH without pay is hereby imposed upon respondent Lulu V. Macandog, Assistant Regional Director for Livestock, Administration and Finance of the Department of Agriculture, Regional Field Unit No. 5, for simple negligence, the suspension to take effect upon her receipt hereof.

SO ORDERED.

DONE in the City of Manila, this 20th day of NOVEMBER, in the year of Our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 39
RECONSTITUTING THE PRESIDENTIAL TASK FORCE ON TRAFFIC IMPROVEMENT AND
MANAGEMENT AND REDEFINING ITS FUNCTIONS

WHEREAS, Administrative Order No. 351 dated August 31, 1997 as amended by Administrative Order No. 375 dated January 19, 1998 created the Presidential Task Force on Traffic Improvement and Management;

WHEREAS, the traffic situation in the country, particularly in Metro Manila gravely and adversely affects the over-all mobility of people and goods, thereby resulting in decreased productivity, disruptions in the supply of goods and services and other traffic-related costs;

WHEREAS, the plans and programs on traffic management and improvement of various instrumentalities and agencies need to be harmonized;

WHEREAS, such harmonization requires a single traffic authority that will cut across various departments and traffic-related bodies and instrumentalities to integrate and coordinate traffic implementation and mobilization of resources to address the traffic situation;

WHEREAS, under Republic Act 7924, the Metropolitan Manila Development Authority (MMDA) is mandated to perform planning, monitoring and coordinative functions, and in the process exercise regulatory and supervisory authority over the delivery of metro-wide services within Metro Manila to include, transportation and traffic management, without diminution of the autonomy of the Local Government Units (LGUs) concerning purely local matters; and,

WHEREAS, there is a need for concerned government agencies to support the MMDA in the exercise of its functions relative to traffic management.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Reconstitution of the Presidential Task Force on Traffic Improvement and Management. The Presidential Task Force on Traffic Improvement and Management, hereinafter referred to as TRAFIMM, is hereby reconstituted and strengthened and shall continue to serve as the integrating, coordinating and directing authority on traffic management in Metro Manila and its environs, subject to appropriate laws and national policies.

Section 2. Composition. The TRAFIMM shall be composed of the following:

- | | | |
|-------------|---|--|
| Chairman | – | Chairman, Metropolitan Manila Development Authority |
| Co-Chairman | – | Secretary, Department of Transportation and Communications |
| Members | – | Undersecretary, Department of Public Works and Highways |
| | | Undersecretary, Department of National Defense |
| | | Director-General, Philippine National Police |

Chairman, Land Transportation Franchising and
Regulatory Board
Representative of the private sector to be
appointed by the Chairman, TRAFIMM

The TRAFIMM Chairman is hereby vested with full executive authority within the law to rationalize and facilitate the effective and efficient movement and management of people and goods in Metro Manila and its environs, in coordination with concerned LGUs.

Section 3. Functions. The TRAFIMM shall perform the following functions:

- a. In consultation with Metro Manila LGUs and concerned sectors, formulate and implement guidelines on roadworks traffic management which shall be strictly observed for all roadwork activities in Metro Manila;
- b. Coordinate with the concerned LGUs relative to the issuance of clearances for all roadwork activities, diggings and excavations within the thoroughfares of Metropolitan Manila including the construction of shopping malls and similar traffic generating establishments;
- c. Organize a Central Database System for Monitoring and Information of roadwork activities in Metropolitan Manila; and,
- d. Perform other functions as may be required by the President.

Section 4. Technical and Secretariat Support. The TRAFIMM shall create the following Committees to provide the technical and operational support therefor:

- a. The Committee on Education, Communications and Information shall be composed of the private sector representative as Chairman with members from the DOTC, MMDA, DECS, CHED, TESDA, National Telecommunications Commission, UP-National Center for Transport Studies, Philippine Information Agency and representatives from the private sector;
- b. The Committee on Engineering shall be composed of the Undersecretary of the DPWH as Chairman with members from the MMDA, DPWH-NCR, DPWH-URPO, DPWH-TEC, DOTC, LRTA, PEA, PNCC, representatives from the concerned utilities companies and the private sector;
- c. The Committee on Urban Transport Services shall be composed of the Undersecretary of the DOTC as Chairman with members from the Office of the MMDA Assistant General Manager for Planning, LTFRB, LRTA, UP-NCTS and the representatives from the private sector; and
- d. The Committee on Enforcement shall be composed of the PNP Director-General as Chairman with members from the Office of the MMDA Traffic Executive Director, the PNP, DOTC Action Center, PNCC, REACT, METROWATCH, MAPA, DPOS-QC, PEATC and the representatives from the private sector.

The TRAFIMM Chairman may give direct operational instructions to any of the member-agencies of the Committees in the pursuit of the functions of the TRAFIMM. The TRAFIMM Chairman shall designate the representatives from the private sector to these Committees.

The Metropolitan Manila Development Authority shall provide secretariat support to the TRAFIMM.

Section 5. National Government Support. The TRAFIMM is authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government owned and controlled corporations, for such assistance as it may need in the discharge of its functions.

Section 6. Funding. Funds necessary to immediately carry out the provisions of this Administrative Order shall be sourced by the Department of Budget and Management from available sources, upon submission by the TRAFIMM of its work and financial plan to the former.

Section 7. Repealing Clause. All orders, issuances or parts thereof inconsistent with this Administrative Order are hereby repealed or modified accordingly.

Section 8. Separability Clause. If any provisions of this Administrative Order is held invalid, the other provisions not affected thereby shall continue in operation.

Section 9. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 7th day of DECEMBER, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 40
LIFTING THE 10% MANDATORY RESERVE IMPOSED ON THE INTERNAL
REVENUE ALLOTMENT OF LOCAL GOVERNMENT UNITS UNDER ADMINISTRATIVE
ORDER NO. 372, SERIES OF 1997

WHEREAS, Section 4 of Administrative Order No. 372, Series of 1997, withheld the amount equivalent to 10 percent of the Internal Revenue Allotment (IRA) to local government units (LGUs) effective January 1, 1998;

WHEREAS, the mandatory retention of the 10 percent IRA under A.O. No 372 has significantly affected the financial capacity of LGUs;

WHEREAS, the LGUs require the full amount of their IRA shares to include the 10 percent that the national government has withheld to fully exercise its functions and complete the implementation of the projects and activities programmed for 1998;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. The Department of Budget and Management shall release the full amount equivalent to 10 percent of the Internal Revenue Allotment to LGUs that was withheld under Section 4 of A.O. No. 372, 1997.

SECTION 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila this DEC. 7th, in the year of our Lord nineteen hundred and ninety eight.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 41
AUTHORIZING THE GRANT OF CASH INCENTIVE AWARD TO THE OFFICIALS
AND EMPLOYEES OF THE BUREAU OF TREASURY (BTR) FOR EXCEEDING
TARGET INCOME FOR CY 1998

WHEREAS, the Bureau of Treasury (BTr) is a government agency under the Department of Finance (DoF) which is tasked among others, to generate income for the National Government (NG);

WHEREAS, for the Calendar Year 1998, BTr's target income is Eleven Billion Two Hundred Four Million Pesos (P 11,204,000,000.00);

WHEREAS, as of October 1998, BTr's income already amounts to Twenty One Billion Eight Hundred Twenty Six Million Pesos (P 21,826,000,000.00) thereby, exceeding and surpassing its target income by Ten Billion Six Hundred Twenty Million Pesos (P 10,620,000,000.00);

WHEREAS, knowing that BTr has already exceeded its target income which has contributed to the needed resources of the NG, it is but fitting and appropriate to reward its officials and employees in recognition of their combined efforts, dedication and sacrifices;

WHEREAS, during the BTr's 101st Anniversary, it was personally announced as the Guest of Honor of the affair and as President of the Republic of the Philippines that:

“Nakita ko that, you have exceeded more than your target. Incentive award for each and everyone of you is in order. So, in recognition of your achievement, at Christmas or before Christmas, you'll be given Seven Thousand Pesos (P7,000.00) each. ‘Yong talagang nagsasakripisyo at may dedikasyon at sakripisyo ay kailangang bigyan ng gantimpala.”

NOW, THEREFORE I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order and direct:

SECTION 1. All officials and employees of the Bureau of the Treasury (BTr), regardless of their salary and appointment status, shall be granted cash incentive award of Seven Thousand Pesos (P 7,000.00) each, over and above other similar incentives or awards granted to state workers, in recognition of their efforts, dedication and sacrifices in exceeding their target income for CY 1998, except the following:

- a) Those with pending administrative and/or criminal cases, or those under suspension by final judgment arising from any administrative and/or criminal case;
- b) Those who retired, resigned, or are dismissed from government service as of November 30, 1998; and
- c) Those who are absent without official leave (AWOL).

SEC. 2. Funding Source. Funding for this purpose shall be sourced from the unprogrammed appropriations as authorized under Section 14 of the Special Provisions of the Unprogrammed Fund of the General Appropriations Act of 1998.

SEC. 3. Exclusivity and Prohibition. The cash incentive award herein authorized shall exclusively be for the covered officials and employees of the Bureau of the Treasury (BTr) in exceeding the target for CY 1998. No similar award or benefit shall be granted for the succeeding years without the approval of the Office of the President.

SEC. 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 8th day of December, in the year of our Lord, Nineteen Hundred and Ninety Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 42

**CREATING A COMMITTEE TO LOOK INTO AND INVESTIGATE THE ADMINISTRATIVE
COMPLAINTS FILED AGAINST CERTAIN OFFICIALS OF THE NATIONAL COMMISSION ON
INDIGENOUS PEOPLE (NCIP)**

There is hereby created under the Department of Justice a Committee consisting of three (3) members, to be chosen by the Secretary of Justice from among senior officials of the department, to look into and investigate the administrative complaints against certain officials of the NCIP.

The Investigating Committee shall, as far as practicable, follow the procedure under Sections 38 to 40 of the Civil Service Law (PD 807). The investigation of the administrative complaint shall be terminated by the Investigating Committee within ninety (90) days from the start thereof.

The Investigating Committee shall, within twenty (20) days after receipt of the last pleading and evidence, if any, in case the respondents do not elect formal investigation; or after the expiration of the period within which to submit the same; or after the termination of the formal investigation; or after the parties submitted their respective memoranda, if so allowed, forward to the Office of the President the entire records of the case, together with its findings and recommendations; as well as the draft decision for approval of the President.

For purposes of the investigation, the Committee is hereby authorized to issue subpoena, take testimony, receive evidence, administer oaths, summon witnesses and require the production of documents by subpoena *duces tecum*, pursuant to Book 1, Chapter 8, Section 37 of the Administrative Code of 1987.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of December, in the year of our Lord, Nineteen Hundred and Ninety-Eight.

By authority of the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 43
AMENDING ADMINISTRATIVE ORDER NO. 372 DATED 27 DECEMBER 1997 ENTITLED
“ADOPTION OF ECONOMY MEASURES FOR FY 1998”

WHEREAS, Administrative Order No. 372 dated 27 December 1997 entitled “Adoption of Economy Measures for FY 1998” was issued to address the economic difficulties brought about by the peso devaluation in 1997;

WHEREAS, Section 4 of Administrative Order No. 372 provided that the amount equivalent to 10% of the internal revenue allotment to local government units shall be withheld; and,

WHEREAS, there is need to release additional funds to local government units for vital projects and expenditures.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the reduction of the withheld Internal Revenue Allotment (IRA) of local government units **from ten percent to five percent**.

The five percent reduction in the IRA withheld for 1998 shall be released before 25 December 1998.

DONE in the City of Manila, this 10th day of December, in the year of our Lord, nineteen hundred and ninety eight.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 44
CREATING AN INTER-AGENCY COMMITTEE TO RESOLVE ISSUES AND CONCERNS
INVOLVING ALL REMAINING VIETNAMESE NATIONALS IN THE PHILIPPINES

WHEREAS, the Vietnamese boat people who arrived in the Philippines after March 21, 1989 were found to be economic migrants, not genuine asylum-seekers and should, therefore, return to their country of origin, the Socialist Republic of Vietnam;

WHEREAS, the Philippine Government has agreed to accommodate the request of the United States of America to use the Philippines as a transit point for the resettlement in the United States of Vietnamese nationals under the Orderly Departure Program (ODP);

WHEREAS, a number of these Vietnamese nationals under the ODP were found to be ineligible for admission into the United States under US laws and are now “stranded” in the Philippines owing to the Government of Vietnam’s refusal to receive them back;

WHEREAS, the boat people and those under the ODP constitute all the Remaining Vietnamese Nationals (RVNs) in the Philippines;

WHEREAS, these boat people have not opted for voluntary repatriation and instead has sought permanent residency status;

WHEREAS, the Department of Social Welfare and Development (DSWD) and the Catholic Church, represented by the Catholic Bishops Conference of the Philippines (CBCP), have entered into a Memorandum of Understanding placing the boat people under the probationary custody of the CBCP pending the adoption of a durable solution to the problem;

WHEREAS, it is in the interest of the Philippines that the RVNs return to their homeland or be resettled in other countries;

WHEREAS, there is an urgent need to provide a durable and acceptable solution to the issues and concerns surrounding the RVNs in the Philippines;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. There is hereby created an Inter-Agency Committee to address and resolve issues concerning all remaining Vietnamese nationals in the Philippines. It shall be composed of representatives from the Office of the President, Department of Foreign Affairs, Department of Justice, Department of Social Welfare and Development, Department of Trade and Industry and the Bureau of Immigration. The Chairman of the Committee will be the representative of the Department of Justice. The Committee shall meet at the call of the Chairman.

Sec. 2. The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the Government for such assistance it may need in the discharge of its duties and functions and in the effective implementation of this Order.

Sec. 3. All executive issuances, orders, rules and regulations and/or similar issuances inconsistent with this Administrative Order are hereby revoked, amended or modified accordingly.

Sec. 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 21st day of DECEMBER, in the year of our Lord, nineteen hundred and ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 45

AMENDING ADMINISTRATIVE ORDER NO. 75 BY ABOLISHING THE EXECUTIVE COMMITTEE OF THE BAGONG KILUSANG KABUHAYAN SA KAUNLARAN/NATIONAL LIVELIHOOD SUPPORT FUND AND DIRECTING THE LAND BANK OF THE PHILIPPINES TO TRANSFER THE MANAGEMENT OF ALL ITS APPLICABLE AND EXISTING FUNDS, PROPERTIES, EQUIPMENT AND RECORDS AS A TRUST FUND TO THE PEOPLE'S CREDIT AND FINANCE CORPORATION

WHEREAS, pursuant to Section 37 of Republic Act No. 6657 (1988), the *Bagong Kilusang Kabuhayan sa Kaunlaran (BKKK)* Secretariat was transferred and attached to the Land Bank of the Philippines (LBP) for its supervision including all its applicable and existing funds, personnel, properties, equipment and records;

WHEREAS, Administrative Order No. 75 dated August 6, 1993, as amended, implementing Section 37 of Republic Act No. 6657, created an Executive Committee through which LBP exercised its supervision over BKKK Secretariat and BKKK Capital Fund/National Livelihood Support Fund;

WHEREAS, the People's Credit and Finance Corporation (PCFC) was created by virtue of Administrative Order No. 148 dated 8 September 1994 and Memorandum Order No. 261 dated 9 February 1995 to provide affordable credit to the marginalized sectors of the population, with an initial capitalization of P100 million coming from NLSF;

WHEREAS, Republic Act No. 8425 (Social Reform and Poverty Alleviation Act) designated PCFC as the vehicle for the delivery of microfinance services for the exclusive use of the poor, and as a government-owned and controlled corporation, the lead entity specifically tasked to mobilize financial resources from both local and international funding Sources for microfinance services for the exclusive use of the poor;

WHEREAS, Memorandum Order No. 11 dated August 13, 1998, directed the LBP to invest additional P900 million from the capital funds of NLSF to PCFC to provide additional capital for its expanded mandate, and in compliance with government's commitment to Asian Development Bank and International Fund for Agricultural Development to provide additional counterpart funding to PCFC;

WHEREAS, despite the infusion of the above funds to PCFC, there is still a great need for additional funds for poverty alleviation, to enable the government to help at least 2 million assetless poor by year 2004 through the provision of microfinance services;

WHEREAS, the Office of the President was authorized under Executive Order No. 238 dated July 22, 1987 to establish new fund delivery system in addition to or in lieu of the existing ones, exclusively for the promotion and development of livelihood opportunities, and the BKKK Capital Fund/NLSF has available funds that could be used for the provision of microfinance services for the poor;

WHEREAS, the objectives and programs of BKKK/NLSF and PCFC are similar and there is a need to attain efficiency in the delivery of microfinance services by rationalizing and consolidating them in one entity.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Executive Committee of the Bagong Kilusang Kabuhayan sa Kaunlaran (BKKK)/ National Livelihood Support Fund is hereby abolished and its functions transferred to the People's Credit and Finance Corporation (PCFC);
2. The LBP is hereby directed to transfer the management of all funds, properties, equipment and records of the BKKK Secretariat and BKKK Capital Fund/National Livelihood Support Fund, as a Trust Fund to PCFC;
3. The trust fund to be created shall be known as the "EFFECTIVE RESPONSE TO ALLEVIATE POVERTY (ERAP) TRUST FUND", and the same shall be used exclusively for microfinance services for the poor, such as credit delivery, capital investments in microfinance institutions, capacity building, and the like;
4. A seat in the PCFC Board of Directors shall be allocated for the representative of Trust Fund;
5. The Trust shall be for a period of twenty five (25) years and renewable;
6. PCFC may, in its determination, retain or absorb as many personnel of the BKKK/NLSF Secretariat as are qualified and as it needs in its operations, *provided*, that those who may not be absorbed by the PCFC shall be entitled to separation benefits equivalent to two months salary for every year of service;
7. PCFC shall submit annual reports of the Trust to the Office of the President;
8. All executive issuances or portions thereof inconsistent with the provisions of this Administrative Order are hereby amended, modified or revoked accordingly.
9. This Order takes effect immediately.

Done at Malacañang, Manila, this 22nd day of DECEMBER, in the Year of the Lord, Nineteen Hundred and Ninety-eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 46
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL
COMMITTEE IN CONNECTION WITH THE OBSERVANCE OF THE 102ND ANNIVERSARY OF
DR. JOSE P. RIZAL, THE PHILIPPINE NATIONAL HERO, ON 30 DECEMBER 1998

I, **JOSEPH EJERCITO ESTRADA**, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 102nd death anniversary of Dr. Jose P. Rizal on 30 December 1998, as follows:

The Secretary, Department of Education, Culture and Sports	–	Chairman
The Chairman of the National Centennial Commission	–	Co-Chairman
The Supreme Commander of the Knights of Rizal	–	Co-Chairman
The Secretary, Department of the Interior and Local Government	–	Member
The Secretary, Department of Public Works and Highways	–	Member
The Secretary, Department of National Defense	–	Member
The Secretary, Department of Tourism	–	Member
The Secretary, Department of Budget and Management	–	Member
The Press Secretary	–	Member
The Chief of Presidential Protocol	–	Member
The Head of the Presidential Management Staff	–	Member
The Chairman and Executive Director of the National Historical Institute	–	Member
The Chairman of the National Commission for Culture and the Arts	–	Member
The Chairman of the Metropolitan Manila Development Authority	–	Member
The Executive Director of the National Parks Development Committee	–	Member
The City Mayor of Manila	–	Member
The President of the Kababaihang Rizalista	–	Member

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of DEC., in the year of Our Lord, Nineteen Hundred and Ninety-Eight.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RAMON B. CARDENAS
Acting Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1998). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 47
CONSTITUTING A NATIONAL COMMITTEE FOR THE COMMEMORATION
OF THE THIRTEENTH ANNIVERSARY OF THE FEBRUARY 22-25, 1986,
EDSA REVOLUTION

WHEREAS, the February 22-25 EDSA Revolution restored democratic institutions and ushered meaningful political, social and economic reforms in the country;

WHEREAS, the triumph of this revolution was anchored upon people power, the ultimate demonstration of the citizens' solidarity in seeking to transform Philippine society and chart a new course for the country's history by linking arms and courageously asserting their democratic rights;

WHEREAS, the EDSA Revolution serves as our inspiration as we continue charting our collective course as a nation and a people.

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Constitution of a National Committee. There is hereby constituted a National Committee for the commemoration of the 13th Anniversary of the February 22-25, 1986 EDSA Revolution which shall be chaired by **Mr. Antonio Lopa** with Trade and Industry Secretary **Jose T. Pardo** as Co-Chairman. The Undersecretary of the Department of Interior and Local Government is hereby designated as Vice-Chairperson and the following as members:

Representatives from the NGO's/Private and Business Sector:

1. Bro. Mike Velarde
2. Mr. Christopher L. Carrion
3. Ms. Denise Mañosa
4. Msgr. Socrates Villegas
5. Ms. Victoria Garchitorena
6. Mr. Jose Concepcion, Jr.
7. Mr. Manuel Pangilinan
8. Mr. Manolo Lopez
9. Ms. Tina Monzon Palma
10. Mr. Lito Lorenzana
11. Mr. Johnny Manahan
12. Ms. Patricia Sison
13. Mr. Jose Alejandro
14. Ms. Cecille Guidote-Alvarez

Representatives from the Government Sector:

15. Secretary of the Department of Foreign Affairs
16. Secretary of the Department of Public Works and Highways
17. Secretary of the Department of Tourism
18. Secretary of the Department of Budget and Management
19. Secretary of the Department of National Defense
20. Secretary of the Department of Finance
21. Secretary of the Department of Education, Culture and Sports
22. Secretary of the Department of Labor and Employment
23. Secretary of the Presidential Management Staff
24. Chairman of the Metropolitan Manila Development Authority
25. Chairman of the Commission on Higher Education
26. Chairman of the CORD-NCR
27. Chairperson of the National Youth Commission
28. Chairman of the Bases Conversion and Development Authority
29. Chairman of the Development Bank of the Philippines
30. Chairperson of the National Commission on the Role of Filipino Women
31. Executive Director of the National Centennial Commission
32. Executive Director of the National Historical Institute
33. National Program Director, Moral Recovery Program
34. Director General of the Public Information Agency
35. Administrator of the Philippine Overseas Employment Agency
36. Administrator of the Overseas Workers Welfare Administration
37. Director General, Technical Education and Skills Development Authority
38. President, League of Provinces of the Philippines
39. President, League of Cities of the Philippines
40. President, League of Municipalities of the Philippines

SECTION 2. Functions. The Committee shall have the following functions:

1. Formulate a comprehensive plan for the nationwide commemoration of the 13th Anniversary of the February 22-25, 1986 EDSA Revolution and coordinate with all sectors concerned in the implementation of the same, taking into consideration austerity measures and the spirit of volunteerism;
2. Create such working committees and designate the respective members thereof from both the private and government sectors, as may be necessary, to ensure the success of the celebration; and
3. Invite or enjoin and mobilize all sectors who would like to participate in the celebration and call upon any government instrumentality to render the necessary assistance therefor.

SECTION 3. Staff Support. The Department of Trade and Industry shall provide the technical and secretariat support of the Committee. The heads of departments, agencies, government-owned and controlled corporations and other government instrumentalities are directed to give full support to the National Committee and its various working committees and to actively participate in the celebrations.

SECTION 4. Funding. The Secretary of Budget and Management is hereby directed to allocate the amount of THREE MILLION PESOS (P3,000,000.00) to support this activity and release said amount to the Department of Trade and Industry immediately. Concerned agencies may allocate such

amount as may be necessary to defray the expenditures that may be incurred from participation in the EDSA Anniversary.

This Administrative Order shall take effect immediately.

DONE in the City of Manila this 07th day of January, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

President
Republic of the Philippines

By the President:

(Sgd.) **RAMON B. CARDENAS**

Acting Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 48
CONSTITUTING THE MAGLANCO AREA DEVELOPMENT AND COORDINATING COUNCIL

WHEREAS, it is government's policy to ensure that the implementation of development programs and projects is undertaken in a coordinated manner to provide maximum benefits to our people;

WHEREAS, the provinces of Maguindanao, Lanao del Norte, Lanao del Sur and Cotabato were beset by peace and order problems and other man-made disasters which hampered their growth and development;

WHEREAS, there is a need to implement a coordinated effort to accelerate the development of these areas and improve the living conditions of its people.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SEC. 1. CONSTITUTION OF THE MAGLANCO AREA DEVELOPMENT AND COORDINATING COUNCIL. There is hereby constituted a Maguindanao, Lanao del Norte, Lanao del Sur and Cotabato (MAGLANCO) Area Development and Coordinating Council for the integrated and synchronized implementation of special economic development projects and the afore-mentioned provinces, including the cities of Cotabato, Marawi and Iligan. The Central Mindanao Development Task Force created under Administrative Order No. 286 dated September 3, 1996, is hereby abolished.

SEC. 2. COMPOSITION OF THE COUNCIL. The MAGLANCO Council shall be chaired by the Chairman of the Presidential Committee on Flagship Programs and Projects, with heads/representatives from the following agencies as members to be designated by their respective Secretaries:

- a. Autonomous Region of Muslim Mindanao (ARMM);
- b. Department of Public Works & Highways (DPWH);
- c. Department of Interior Local Government (DILG);
- d. Department of Agriculture (DA);
- e. Department of Agrarian Reform (DAR);
- f. Department of Energy (DOE);
- g. Department of Trade and Industry (DTI);
- h. Department of Environment & Natural Resources (DENR);
- i. Department of Social Welfare and Development (DSWD);
- j. Department of Transportation & Communication (DOTC);
- k. Department of Budget & Management (DBM); and
- l. Southern Philippines Development Authority (SPDA).

The MAGLANCO Council may invite representatives from Local Government Units, non-government organization and peoples organization, and religious, political, civic groups to act as consultants, resource persons, or advisers to the Council.

SEC. 3. FUNCTIONS OF THE MAGLANCO COUNCIL. The MAGLANCO Council shall have the following functions:

- a. Implement a multi-agency development program to promote the sustained economic and social development of the provinces of Maguindanao, Lanao del Norte, Lanao del Sur and Cotabato and cities of Cotabato, Marawi and Iligan, in consultation with concerned local government units, national government agencies, non-government organizations and peoples organizations, and religious, political, civic groups;
- b. Orchestrate the identification, implementation and monitoring of special economic and social development projects in the area;
- c. Formulate innovative schemes to provide opportunities for the private sector participation in the development efforts within area;
- d. Pool, manage, and coordinate government resources and immediately implement identified priority economic and social development programs and projects in the area;
- e. Submit regular accomplishment reports to the President; and
- f. Perform such other tasks as may be assigned by the President.

SEC. 4. COORDINATION WITH MILITARY AND PNP. The concerned military and police units in the areas covered by the Council shall provide assistance, as may be appropriate, to maintain peace and order in the area.

SEC. 5. SECRETARIAT/BUDGET. The Southern Philippines Development Authority (SPDA) shall act as the Secretariat of the MAGLANCO Council. The Secretariat shall be based in Cotabato City.

The MAGLANCO Council shall have a budget of Ten Million (P10,000,000.00) Pesos to be taken from the Office of the President.

SEC. 6. CREATION OF TASK FORCES. The MAGLANCO Council may create Task Forces as may be necessary to undertake specific assignment that the Council may determine from time to time. The Task Force MALMAR created pursuant to Memorandum Order No. 34 dated 05 November 1998 shall function as a Task Force reporting to the MAGLANCO Council.

SEC. 7. REPEALING CLAUSE. All Administrative Orders, rules, regulations and other similar issuances, or parts thereof, which are inconsistent herewith are hereby repealed or modified accordingly.

SEC. 8. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 10th day of February, in the Year of Our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 49
CREATING AN INTERIM BODY TO SELECT THE PHILIPPINE CANDIDATE TO THE
INTERNATIONAL COURT OF JUSTICE

WHEREAS, the United Nations General Assembly at its session in 1999 shall be electing five (5) judges to fill up vacant seats in the International Court of Justice;

WHEREAS, the Philippines is interested in putting up a candidate to the lone vacant seat for Asia, now held by Sri Lanka;

WHEREAS, there is an urgent need to create an interim body to select the Philippine candidate, to enable him/her to gain an early start in the campaign;

NOW, THEREFORE, I, **JOSEPH EJERCITO ESTRADA**, President of the Philippines, by virtue of the powers vested in me by law, do hereby create an interim body to select the Philippine candidate to the International Court of Justice at Elections in 1999. The interim body shall be composed of the following:

Secretary of Foreign Affairs	–	Chairman
Secretary of Justice	–	Member
President of the Integrated Bar of The Philippines	–	Member

Done in the City of Manila, this 10th day of FEBRUARY, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 50
GUIDELINES FOR THE ACQUISITION OF CERTAIN PARCELS OF PRIVATE LAND INTENDED
FOR PUBLIC USE INCLUDING THE RIGHT-OF-WAY EASEMENT OF SEVERAL PUBLIC
INFRASTRUCTURE PROJECTS

WHEREAS, the government has the inherent coercive authority through its power of eminent domain to acquire private lands necessary for public use;

WHEREAS, it has been the usual practice of the government to approach the owner and negotiate for the acquisition of private lands;

WHEREAS, sale through negotiation, though evidently more expeditious, proves to spawn graft and corruption detrimental to the interest of the government;

WHEREAS, Presidential Decree No. 1818, series of 1981, provides that no court in the Philippines shall have jurisdiction to issue any restraining order, preliminary injunction, or preliminary mandatory injunction in any case, dispute, or controversy involving an infrastructure project; and

WHEREAS, Section 12, Chapter 4, Book III of the Administrative Code of 1987, empowers the President to determine when it is necessary or advantageous to exercise the power of eminent domain in behalf of the National Government, and direct the Solicitor General, whenever he deems the action advisable, to institute expropriation proceedings in the proper court.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Conditions to be complied with during the Negotiated Sale. All government agencies and instrumentalities which are engaged in public infrastructure projects, including but not limited to the Department of Public Works and Highways, National Power Corporation, and the Department of Transportation and Communication, shall first negotiate with the owner for the acquisition of parcels of private land intended for public use including the right-of-way easement of such projects by offering in writing a purchase price of an amount equivalent to ten per cent (10%) higher than the zonal value of the said property. During the negotiation, the landowner shall be given fifteen (15) days within which to accept the amount offered by the concerned government agency as payment for the land.

Sec. 2. Expropriation Proceedings. After the abovementioned period and no acceptance is made by the landowner, the concerned agency, in coordination with the Solicitor General, shall initiate expropriation proceedings in the proper court, depositing ten per cent (10%) of the offered amount.

Sec. 3. Standards for the Assessment of the Value of the Land subject of Expropriation Proceeding. In order to facilitate the immediate judicial determination of just compensation during the expropriation proceedings, the expropriating agency or its duly authorized assessor in appraising the fair market value of the private property intended to be condemned must consider, among other well established factors, the following relevant standards:

- (a) The classification and use for which the property is suited;
- (b) The developmental costs for improving the land;
- (c) The value declared by the owners;
- (d) The current selling price of similar lands in the vicinity;
- (e) The reasonable disturbance compensation for the removal and/or demolition of certain improvements on the land and for the value of improvements thereon;
- (f) The size, shape or location, tax declaration and zonal valuation of the land;
- (g) The price of the land as manifested in the ocular findings, oral as well as documentary evidence presented; and
- (h) Such facts and events so as to enable the affected property owners to have sufficient funds to acquire similarly-situated lands of approximate areas as those required from them by the government, and thereby rehabilitate themselves as early as possible.

Sec. 4. Necessary Assistance from the Law Enforcement Agencies. The Department of Interior and Local Government and the Philippine National Police shall vigorously assist the expropriating agency in the peaceful taking of the land subject of expropriation proceedings.

Sec. 5. Ban Against Court Injunctions. For the smooth operation of government activities critical to the economic development effort of the nation, all concerned government agencies and instrumentalities are hereby reminded that their essential public infrastructure undertakings are protected from any court injunctions or restraining orders in accordance with the provisions of Presidential Decree No. 1818.

Sec. 6. Effectivity Clause. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th of FEBRUARY, in the Year of Our Lord, nineteen hundred and ninety-nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 51

AMENDING ADMINISTRATIVE ORDER NO. 294 DATED 2 OCTOBER 1996 “CREATING A SPECIAL COMMITTEE TO ENSURE THE RESETTLEMENT OF INFORMAL SETTLERS OF ANTIPOLO TO THE FREEDOM VALLEY RESETTLEMENT AREA AT SITIO BOSO-BOSO, BARANGAY SAN JOSE, ANTIPOLO, RIZAL”

WHEREAS, the Freedom Valley Resettlement Area in Sitio Boso-Boso, Barangay San Jose, Antipolo City, Rizal is being developed by the government as resettlement site for informal settlers in Metro Manila and Antipolo City, Rizal, with 20% of the generated lots within the said site to be allocated to qualified informal settlers within the territorial jurisdiction of Antipolo City;

WHEREAS, a Special Committee (chaired by the Executive Director of the MARILAQUE Commission Secretariat) was created to ensure the provision and availment of affordable homelots in the Freedom Valley Resettlement Area to qualified and deserving informal settlers of Antipolo City;

WHEREAS, the MARILAQUE Commission was renamed and reorganized into the RIZLAQUE Commission pursuant to EO No. 42 issued on 25 November 1998;

WHEREAS, there is a need to reconstitute the Special Committee and designate new members to expedite the formulation of a Socialized Housing Program Integration for qualified informal settlers within the territorial jurisdiction of Antipolo, Rizal;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 294 dated 2 October 1996 and order the following:

Section 1. *Reconstituting the Special Committee to Ensure the Resettlement of Informal Settlers of Antipolo City to the Freedom Valley Resettlement Area.* The Special Committee shall be composed of the following government officials or their duly authorized representatives:

Executive Director, RIZLAQUE Commission Secretariat	–	Chairman
Chairman, Presidential Commission for the Urban Poor	–	Co-Chairman
General Manager, National Housing Authority	–	Member
Regional Director, DILG Region IV	–	Member
Governor, Province of Rizal	–	Member
Mayor, Antipolo City	–	Member

Section 2. *Functions of the Special Committee.* The Special Committee shall have the same tasks, functions and activities as defined in AO No. 294 dated 2 October 1996.

Section 3. *Technical and Secretariat Support.* The RIZLAQUE Commission Secretariat shall provide technical and secretariat assistance to the Special Committee.

Section 4. *Repealing Clause.* All issuances, orders, rules, and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed and/or modified accordingly.

Section 5. *Effectivity.* This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on 28th day of February, in the year of our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 52
DIRECTING THE BASES AND CONVERSION DEVELOPMENT AUTHORITY TO CONDUCT
A STUDY ON A POSSIBLE PARTIAL NOVATION OF THE JOINT VENTURE AGREEMENT
WITH THE BONIFACIO LAND CORPORATION AND THE FORT BONIFACIO
DEVELOPMENT CORPORATION

WHEREAS, the prevailing economic crisis has greatly weakened the real estate industry which in turn has affected certain government development projects in the Fort Bonifacio area;

WHEREAS, the Bases Conversion Development Authority (BCDA) and the Bonifacio Land Corporation (BLC), parties in a joint-venture corporation called the Fort Bonifacio Development Corporation are having difficulty complying with their respective obligations under the joint-venture agreement to the effect that BCDA and the Philippine Army has been unable to clear the 64 hectare area to be developed as a Sports and Recreation Area of its illegal military and civilian occupants within the stipulated date of 12 February 1998 and in turn the BLC has not completed payments on its subscription to the joint venture corporation;

WHEREAS, the BCDA, the FBDC and the BLC have been considering the partial novation of their joint venture agreement under which the respective obligations of the parties are reduced to more practical parameters consistent with the prevailing economic situation;

WHEREAS, this administration has adopted a policy of complete transparency to assure the public of its honesty and integrity in public service;

NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Study of a Partial Novation of the Joint Venture Agreement. The BCDA in coordination with the Government Corporate Monitoring and Coordinating Committee (GCMCC), is hereby directed to conduct a study of a possible partial novation of the joint venture agreement such that its obligation and the obligations of the BLC are reduced in line with their respective capabilities taking into consideration the prevailing economic crisis.

Section 2. Scope of the Partial Novation. The partial novation shall allow the BCDA to be released from its obligation to deliver vacant possession of the 64 hectare area which was supposed to have been developed as a Sports and Recreation Area thereby allowing the BCDA to plan the same in accordance with the priorities of government.

Section 3. Participation of the GCMCC. Should the BCDA still be obligated to deliver properties of reduced area and value to FBDC, the GCMCC is hereby directed to confirm the land values and assure that they are appraised in the most transparent manner with the end in view that the government shall enjoy the most advantageous pricing for every parcel.

Section 4. Taxes Attending the Proposed Novation. The BCDA is further directed to seek the appropriate rulings from the Bureau of Internal Revenue regarding the attendant taxes that shall

be imposed on the proposed novation where necessary and that they be apportioned to the parties appropriately should there be any tax incidence.

Section 5. All executive department and agency issuances inconsistent herewith are hereby deemed repealed, modified or amended accordingly.

Section 6. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 19th day of FEBRUARY, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 53

**CREATING AN AD-HOC AND INDEPENDENT CITIZENS' COMMITTEE TO INVESTIGATE
ALL THE FACTS AND CIRCUMSTANCES SURROUNDING PHILIPPINE CENTENNIAL
PROJECTS, INCLUDING ITS COMPONENT ACTIVITIES**

WHEREAS, to enhance the confidence of the people in its pursuit of good government, the present administration is committed to resolve with firmness and finality any complaint or impropriety that affects public interest;

WHEREAS, serious questions have been raised regarding the prosecution of the Philippine Centennial Projects and its component projects and activities, including the Expo Pilipino Project in Angeles City, particularly in the use of public resources and the award and prosecution of public works contracts, which now compel an exhaustive investigation;

WHEREAS, to insure impartiality and fairness, there is an urgent need to create an independent fact-finding body to conduct a thorough investigation of all the facts and circumstances surrounding the Project.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted an Ad-Hoc and Independent Citizens' Committee to look into and investigate all the facts and circumstances surrounding the Philippine Centennial Project.

The Committee shall be composed of five members, only one of whom shall be a government representative.

SEC. 2. The Committee is hereby granted the powers of an investigating body under Section 37, Chapter 9, Book I of the Administrative Code of 1987, including the power to summon witnesses, administer oaths, take testimony or evidence relevant to the investigation, and to issue compulsory processes to produce documents, books, records and such other matters, in the performance of its functions.

Any person who, without lawful excuse, fails to appear upon summons issued under the authority of the preceding paragraph or who, appearing before the Committee, refuses to take oath, give testimony or produce documents for inspection, when lawfully required, shall be subject to discipline as in the case of contempt of court upon application of the Committee before the proper court, in the manner provided for under existing law.

SEC. 3. The Committee shall, upon termination of the fact-finding investigation, forward to the President, through the Executive Secretary, its findings and recommendations, together with the following:

- a) the complete records fully identifying the public and private individuals and entities involved – and those not involved, directly or indirectly – in the questionable transactions and the nature and extent of their participation; and

- b) draft resolutions or orders or corrective measures to immediately implement its findings and recommendations for approval of the President, including the filing of appropriate criminal and civil cases or disciplinary actions, as the case may be, against the erring public and/or private individuals and entities.

SEC. 4. The Committee is hereby authorized to engage the services of resource persons, professionals and other personnel which may be necessary to carry out its functions, and to authorize, subject to existing compensation laws and/or issuances, the payment of remuneration, honoraria and/or allowances to said personnel.

SEC. 5. The Office of the President shall establish a Special Secretariat for the technical and staff support of the Committee. For this purpose, the Executive Secretary is hereby authorized to detail any personnel from any government office to assist the Committee.

SEC. 6. The Committee is hereby authorized to deputize any law enforcing agency to assist in the performance of its functions.

SEC. 7. The departments, bureaus, offices, agencies or instrumentalities, including government owned and/or controlled corporations are hereby directed to extend such assistance and cooperation as the Committee may need in the discharge of its functions.

SEC. 8. The Office of the President shall provide the necessary funds for the operations of the Committee.

SEC. 9. The Committee shall complete its work on or before June 30, 1999.

SEC. 10. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of FEBRUARY, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 54

**CREATING A COMMITTEE THAT WILL FORMULATE AND IMPLEMENT THE PLAN TO BAN
PROVINCIAL BUSES FROM PLYING THE MAJOR THOROUGHFARES OF METRO MANILA**

WHEREAS, Section 3 of Republic Act No. 7924, otherwise known as the Act creating the Metro Manila Development Authority (MMDA), has identified one of its services as the provision of necessary Metro Manila-wide transport and traffic management which include the formulation, coordination, and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotion of safe and convenient movement of persons and goods; the institution of a system to regulate road users; and the administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs;

WHEREAS, pursuant to Executive Order No. 125, dated January 30, 1987, as amended by Executive Order No. 125-A, dated April 13, 1987, the Department of Transportation and Communications (DOTC), is mandated to formulate and recommend policies and guidelines for, as well as establish and administer comprehensive and integrated programs for, the preparation and implementation of integrated and comprehensive transportation systems at the national, regional and local levels;

WHEREAS, pursuant to the above-cited Executive Orders, the DOTC must likewise assess, review and provide direction to the implementation of said transportation systems, and, for this purpose, may call on any agency, corporation, or organization, whether public or private, whose development programs include transportation as an integral part thereof, to participate and assist in the preparation and implementation of such program;

WHEREAS, pursuant to the above-cited Executive Orders, the Land Transportation Office is tasked with the mandate to establish and prescribe rules and regulations for the inspection and registration of public and land transportation facilities, as well as for the issuance of licenses to qualified motor vehicle drivers and conductors;

WHEREAS, pursuant to Section 5 of Executive Order No. 202, dated June 19, 1987, one of the main powers and functions of the Land Transportation Franchising And Regulatory Board is to prescribe and regulate routes of service, economically viable capacities and zones or areas of operation of public land transportation services provided by motorized vehicles in accordance with the public land transportation development plans and programs approved by the DOTC, and to issue, amend, revise, suspend or cancel Certificates of Public Convenience or permits authorizing the operation of public land transportation services provided by motorized vehicles, and to prescribe the appropriate terms and conditions therefor;

WHEREAS, in an effort to decongest traffic within Metro Manila, the MMDA has recommended that provincial buses going to and/or coming from Metro Manila be prohibited to ply along Metro Manila's major thoroughfares starting August, 1999;

WHEREAS, the MMDA has likewise recommended that central terminals for provincial buses going to and/or coming from Metro Manila be located at the peripheries of the metropolis, starting with the existing central terminal at the Food Terminal Inc. (FTI) Compound in Taguig, Metro Manila, as the site for buses going to and/or coming from the south of Metro Manila;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. Provincial Bus Re-Routing Committee. There is hereby created the Provincial Bus Re-Routing Committee to be headed by the Chairman of the MMDA. Said Committee shall be composed of the following members:

1. Secretary of Transportation and Communications, or his designated permanent representative;
2. Secretary of Public Works and Highways, or his designated permanent representative;
3. Secretary of Interior and Local Government, or his designated permanent representative;
4. Chairman, Land Transportation Franchising And Regulatory Board, or his designated permanent representative;
5. Head, Land Transportation Office, or his designated permanent representative;
6. President, Food Terminal Inc, or his designated permanent representative; and
7. Mayors of the cities/municipalities where such bus terminals may be located;

Section 2. Functions and Responsibilities of the Committee. The Committee shall have the following functions and responsibilities:

1. Formulate and implement a comprehensive plan for the rerouting/rezoning of the areas of operation of provincial buses going to and/or coming from Metro Manila, including the required amendments to the franchise routes of said buses, the identification, construction and development of central terminals for such public transports, and the provision of the proper ingress to and egress from said terminal sites and of commuter-line public transport systems to and from said central terminals that shall serve strategic points within Metro Manila;
2. Conduct a comprehensive information dissemination campaign that shall educate the general public on the desired effects of said provincial buses rerouting plan;
3. Ensure the timely and effective implementation of the plan up to its full operationalization, including the initiation of needed phasing-in and phasing-out activities;
4. Call on any national or local government agency or instrumentality as the Committee may deem necessary in the exercise of its functions and responsibilities;
5. Conduct a regular monitoring and evaluation of the formulation and implementation of said plan; and
6. Perform such other related functions as may be instructed by the President of the Republic of the Philippines.

Section 3. Timetable. The Committee shall have the following timetable:

Activity	Deadline
1. Formulation of comprehensive rerouting/rezoning plan and submission to the President for approval.	– On or before May 31, 1999

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|--|----------------------------------|
| 2. Upgrading of the existing central terminal at the FTI Compound, Taguig to fully serve the southern sector of Metro Manila | – On or before August 30, 1999 |
| 3. Identification, construction, development and operationalization of the central terminal that shall serve the northern sector of Metro Manila | – On or before December 31, 1999 |
| 4. Identification, construction, development and operationalization of the central terminals that shall serve the coastal and eastern sector of Metro Manila | – On or before March 31, 2000 |

Section 4. Inter-agency Support. All government agencies are directed to extend full support to the Committee.

Section 5. Repealing Clause. All issuances, orders, rules, and regulations, or parts thereof, which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 6. Effectivity. This Order takes effect immediately.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 55

AMENDING ADMINISTRATIVE ORDER NO. 392 DATED 4 MAY 1998, WHICH ENJOINS ALL DEPARTMENTS, GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, LOCAL GOVERNMENT UNITS AND OTHER AGENCIES TO PROMOTE AND ENCOURAGE PARTICIPATION IN THE PHILIPPINE CENTENNIAL EXPOSITION 1998 OR EXPO PILIPINO, INCLUDING ITS “EXPO PILIPINO FAMILY DAY” PROGRAM

WHEREAS, Administrative Order No. 392, series of 1998, requires all heads of departments, bureaus, government-owned and/or controlled corporations (GOCC's), government financial institutions (GFIs), local government units (LGUs) and other government agencies to promote and encourage participation in the Philippine Centennial Exposition 1998 or Expo Pilipino program;

WHEREAS, pursuant to the above-mentioned Administrative Order, the Civil Service Commission (CSC) issued Memorandum Circular No. 17, series of 1998, granting government employees the privilege of visiting Expo Pilipino on official time for a maximum of three days anytime from 6 June 1998 to 15 June 1999;

WHEREAS, the initial implementation of the said program has not been successful due to the poor participation of government workers which may be attributed to the limitation on the choice of the place to visit (confined to Expo Pilipino), as well as funding limitation for travelling expenses, especially for employees in the Visayas and Mindanao areas;

WHEREAS, since one of the objectives of Administrative Order No. 392 is to instill and enhance the sense of patriotism and national pride among public servants in time for the National Centennial Celebration, it is imperative to modify the program in order to ensure their participation thereat.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Paragraph 1, Section 1 of Administrative Order No. 392 is hereby amended to read as follows:

“Section 1. The Civil Service Commission shall initiate, implement and undertake appropriate measures to enable all government workers in the country to avail of a special three-day Centennial Leave with pay at any time from 6 June 1998 through 15 June 1999, to allow them and their families to take part in the Centennial Exposition, or visit any historical place in the country.”

SEC. 2. Section 2 of the same Administrative Order is hereby amended as follows:

“Section 2. The Department of Education, Culture and Sports (DECS), the Commission on Higher Education (CHED) and the Technical Education and

Skills Development Authority (TESDA) shall implement, initiate and undertake parallel programs to enable all students in the country to likewise avail of and be entitled to a three-day Centennial Educational Credit at any time from 6 June 1998 through 15 June 1999 to allow them and their families to take part in the Centennial Exposition or visit other historical places in the country.”

SEC. 3. Section 3 of the same Administrative Order is hereby amended as follows:

“Section 3. In case the privilege will be availed of by visiting the Centennial Exposition, all departments, bureaus, GOCCs, GFIs, and LGUs concerned shall coordinate directly with the Expo Pilipino Corporation (EPC) for details and scheduling of the “Expo Pilipino Family Day” Program.”

SEC. 4. As used under this Administrative Order, “historical place” shall refer to any site, area, or locality in the country that has historical significance, which shall include, but not be limited to national shrines, historical landmarks and structures, and official sites of historical events, as identified by the National Centennial Commission and the National Historical Institute.

SEC. 5. The Civil Service Commission shall effect the appropriate amendatory measures to enable all government employees in the country to avail of the privilege mentioned in Section 1 hereof.

SEC. 6. The provisions of Administrative Order No. 392 are hereby modified and amended to conform to this Order.

SEC. 7. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 24th day of FEB., in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 56

AMENDING ADMINISTRATIVE ORDER NO. 405, DATED JUNE 24, 1998, AFFIRMING THE
PAYMENT OF SALARIES AND ALLOWANCES OF GOVERNMENT PERSONNEL STATIONED
ABROAD AT COLLECTION RATE

WHEREAS, Republic Act No. 7157, otherwise known as the Philippine Foreign Service Act of 1991, was enacted to strengthen the Philippine foreign service by providing the personnel with, among other things, suitable and competitive salaries, allowances and benefits;

WHEREAS, the salaries and allowances of the Philippine foreign service personnel, including those comprising the Philippine foreign service attached offices, have been diminished by the increase in cost of living at the different foreign service posts caused by drastic changes in foreign currency conversion rates;

WHEREAS, certain Philippine foreign service posts, in an effort to minimize the adverse effects of the foreign currency fluctuations and bank charges for currency conversions, have sought refuge in the adoption of an ad hoc procedure of securing authorization from the Secretary of Foreign Affairs to pay the salaries and allowances of personnel at the foreign currency rates utilized in the conversion of revenues collected at said posts;

WHEREAS, the payment of salaries and allowances at collection rate level has provided the flexibility by which government personnel assigned abroad are given fairly adequate means to live in a manner befitting their representative capacities and within the government's financial capability;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby ratify and affirm that:

1. The authority of the Secretary of Foreign Affairs to formulate, adopt and implement rates, policies and procedures including those which are already being followed in different foreign service posts relating to payment of salaries and allowances of foreign service personnel at collection rate; provided that such payments shall be made only out of collections; provided furthermore that in the case of the attached services; such payments of salaries and allowances computed on the basis of the collection rate by virtue of this Administrative Order shall be made out of the savings of their respective Departments.
2. Foreign service posts which are currently applying the collection rate on an ad hoc basis may continue to do so until otherwise instructed by the President of the Republic of the Philippines upon the recommendation of the Secretary of Foreign Affairs.
3. Under this Administrative Order, the Heads of the Departments herein referred to are authorized to pay their personnel concerned accordingly out of savings certified by the concerned Department Chief Accountant.
4. This Administrative Order shall take effect immediately and with retroactive effect to the year 1991.

DONE in the City of Manila, this 24th day of FEBRUARY, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 57
APPROVING AND DIRECTING THE IMPLEMENTATION OF THE EDUCATIONAL REFORM
ASSISTANCE PACKAGE FOR MINDANAOAN MUSLIMS

WHEREAS, Art. XIV, Sec. 2 (3) of the 1987 Constitution provides that the State shall establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially the underprivileged;

WHEREAS, the country needs a new generation of young Filipino leaders and agents of change from among Mindanaoan Muslims to participate fully in the affairs of the State and assist in integrating their people and culture into the mainstream of Philippine Society;

WHEREAS, there is need to provide deserving and less privileged Muslims in Mindanao access to quality education to prepare them for leadership positions in their chosen field of specialization; and,

WHEREAS, scholarship assistance is necessary to ensure access of deserving and qualified Muslim students to enroll in priority courses offered in leading local and foreign educational institutions.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Implementation of the Educational Reform Assistance Package (ERAP) For Mindanaoan Muslims. The Educational Reform Assistance Package for Mindanaoan Muslims or the ERAP for Mindanaoan Muslims is hereby approved for implementation. The program shall provide opportunities to qualified and deserving Muslim student to enroll in undergraduate and post-graduate priority courses in the fields of Agriculture, Agri-Business, Science and Technology, Engineering, and Teacher Education major in either Mathematics, Science or Languages.

Sec. 2. Program Components. The ERAP for Mindanaoan Muslims shall have two components, as follows:

- a. **Undergraduate Scholarship.** This shall cover local scholarship for deserving and qualified incoming college freshmen Muslims in Mindanao who shall enroll in identified priority courses. The scholars shall enroll in public or private higher education institutions identified by the CHED as Centers of Excellence (COEs) or Centers of Development (CODs).
- b. **Post-Graduate Scholarship.** This shall cover local and foreign scholarship for deserving and qualified Muslim professionals in Mindanao who shall pursue courses in identified priority courses. The scholars shall enroll in local and foreign institutions to be identified by CHED offering post-graduate studies.

Sec. 3. Lead Implementing Agency and Program Secretariat. CHED shall be the lead implementing agency for the program. It shall serve as the program secretariat and provide the necessary administrative or technical support thereto.

Sec. 4. Creation of a Screening Committee. A Screening Committee is hereby created to undertake the evaluation, selection and identification of scholars. It shall be composed of the following: CHED-Office for Student Services (OSS) Oversight Commissioner, as Chair; and CHED-OSS Director, as Co-Chair; and, the following as members:

- a. Executive Director, Office of the Muslim Affairs;
- b. Executive Director, Mindanao Advanced Education Program (MAEP) of CHED; and,
- c. Representative, to be appointed by the President.

The selection of scholars shall be undertaken by the Committee based on prescribed qualification criteria.

Sec. 5. Qualification Criteria. Following are the qualification requirements and selection criteria for the program scholars:

a. For the Undergraduate Program:

- i. The applicant must be a natural born citizen belonging to any Muslim cultural community in the Mindanao area;
- ii. He/She should have an excellent moral character as certified by his/her high school principal and belongs to the first top ten of the high school graduating class with a rating of at least 90% or higher each in Science, Mathematics and English in the National Secondary Achievement Test result as certified by his/her school principal;
- iii. He/She should be in good health as certified by a government physician;
- iv. He/She is not presently enjoying any form of scholarship/study grant and has passed the admission requirements of the COE/COD he/she will enroll in; and,
- v. He/She must belong to a low family income group, to be determined by the Committee.

b. For the Post-Graduate Program:

- i. The applicant must be a duly-certified member of the Muslim cultural community in Mindanao with a bachelor degree from reputable higher education institution and must not have earned units/degree in graduate studies;
- ii. He/she must pass the Graduate Management Aptitude Test given by the accepting institution, including other institutional admission requirements, and should present a letter of admission from the accepting institution;
- iii. He/she must be of good health and moral character, and is not currently enjoying any government scholarship or study grant; and
- iv. He/she must belong to a low family income group, to be determined by the Committee.

Sec. 4. Funding. The budgetary requirement for the implementation of the program shall be derived from the Higher Education Development Fund (HEDF).

Sec. 5. Implementing Rules and Regulations. The CHED Chairman, after consultation with concerned agencies of government, shall formulate and prepare the necessary rules and regulations to implement the provisions of this Order.

Sec. 6. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 04th day of March, in the year of our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**
President of the Republic of the Philippines

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 58
CONSTITUTING THE PETROCHEMICAL AND PLASTICS MOBILIZATION TASK FORCE,
PRESCRIBING ITS FUNCTIONS AND FOR OTHER PURPOSES

WHEREAS, the government recognizes the role of its flagship projects, the petrochemical and plastics industry, in the national economy, being basic and indispensable industries catering to the needs of numerous other industries, providing employment to Filipino workers, and reducing the country's reliance on foreign exchange;

WHEREAS, the government is determined to ensure the survival and continued growth of the country's newly-established petrochemical and plastics industries and to see to it that the same is placed in a level playing field vis-a-vis its foreign counterparts;

WHEREAS, the government is aware that, during these times of economic crisis, there exists rampant unfair trade practices, specifically those involving dumping, undervaluation, misclassification, and outright smuggling of petrochemical and plastics products;

WHEREAS, these unfair trade practices ought to be addressed so as not to place the local petrochemical and plastics industries in a grossly disadvantaged position which may result in their demise even before they are fully established;

WHEREAS, towards this end, there is a need to effectively monitor and regulate the importation of petrochemical and plastics products;

WHEREAS, the PNOC-Petrochemical Development Corporation or "PPDC", as a subsidiary of the Philippine National Oil Corporation, is mandated by law to develop the Philippine petrochemical industry.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

Section 1. *Composition of the Philippine Petrochemical Task Force.* There shall be constituted a Petrochemical and Plastics Mobilization Task Force (hereinafter "PPMTF"), the membership of which shall be composed of one representative each from the following:

1. Department of Trade and Industry;
2. Department of Finance;
3. Bangko Sentral Ng Pilipinas;
4. Office of the Presidential Adviser on Economic Affairs and Flagship Projects;
5. PNOC-Petrochemical Development Corporation;
6. Association of Petrochemical Manufacturers in the Philippines (APMP); and
7. Philippine Plastic Industrial Association (PIIA)

The Chairman of the PPMTF, who shall have a term of one year, shall be elected by the members from among themselves. The Secretariat shall be jointly provided by the APMP and the PPIA.

Sec. 2. *Functions and Powers of the PPMTF.* The PPMTF shall have monitoring and regulatory functions in all matters affecting the importation of petrochemical products, more specifically described as follows:

1. The PPMTF shall monitor and regulate the importation of petrochemical and plastics products as listed in the hereto attached “Annex A”, which may be reviewed and updated from time to time by the PPMTF;
2. All importers of petrochemical and plastics products listed in “Annex A” shall be required to notify and secure from PPMTF an Importation Clearance for the importation. Such clearance shall serve as a condition for the opening of Letters of Credit or similar arrangements in cases of open accounts, the shipment covered by the open account shall not be released by the Bureau of Customs without the Importation Clearance from the PPMTF;
3. In cases where the PPMTF has reason to believe that the importation may constitute dumping, undervaluation, misclassification or any unfair trade practice, as provided by law or by the provisions of the WTO Rules (GATT-Uruguay Round), PPMTF may withhold the issuance of the Importation Clearance unless the importer shows proof to the contrary;
4. The PPMTF may direct other agencies of the government including, among others, the Bureau of Import Services (BIS) of the DTI and the Philippine Commercial Attaches, to render full assistance and coordination to PPMTF in the monitoring and regulation of such petrochemical and plastics products, including updates on the export value and/or normal values of the petrochemical and plastics products concerned per country of origin;
5. The PPMTF shall have the power to direct the Bureau of Customs (BOC) to withhold the release of any shipment of petrochemical and plastics products included in “Annex A” without the Importation Clearance issued by the PPMTF. The PPMTF shall likewise have the power to direct all financial institutions to require importers of petrochemical and plastics products included in the list to secure the Importation Clearance from PPMTF as a condition for the opening of the Letters of Credit or other similar arrangements.

The PPMTF shall likewise be empowered to secure the assistance of other government agencies, including those of the Department of Justice and the Philippine National Police, in the apprehension and prosecution of elements involved in the smuggling of petrochemical and plastics products.

Sec. 3. *Reporting and Administrative Support.* The PPMTF shall report directly to the Office of the President. The PPDC shall provide overall administrative support to the PPMTF.

Sec. 4. *Effectivity.* This Administrative Order shall take effect immediately upon its publication in two (2) newspapers of general circulation and shall remain effective for two years, unless extended By the President. The PPMTF shall, within fifteen (15) days from the date of this Administrative Order, organize itself and perform the functions herein prescribed.

Done in the City of Manila, this 04th day of MARCH, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 59
IMPOSING THE PENALTY OF REPRIMAND ON AMBASSADOR SANCHEZ ALI,
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO MUSCAT, OMAN,
DEPARTMENT OF FOREIGN AFFAIRS

This refers to the administrative case filed by the Department of Foreign Affairs against Ambassador Sanchez Ali for Grave Misconduct, an offense proscribed under Section 23 (c) Rule XIII Book V of Executive Order 292 (Revised Administrative Code of 1987) and Section 55 of RA 7157 (Philippine Foreign Service Act of 1991).

The case arose from a complaint of former Minister Counselor and Consul General at the Philippine Embassy in Muscat, Oman, Mr. Wilfredo L. Maximo. According to complainant, on June 29, 1996 he was being consulted by Mr. Hector Almeda, Administrative Officer of the Embassy, on the procedures for hiring a locally engaged employee in view of the intention of the Ambassador at that time to hire a new security guard for the Embassy. Citing his experience in his previous posting in New Delhi, complainant informed Mr. Almeda on the need to secure prior authorization from the Department of Foreign Affairs for the Embassy to hire a new security guard. At that instance, respondent challenged complainant to produce the pertinent department order or circular. Mr. Maximo replied that he did not have the pertinent document on hand but repeated his recollection of the procedure observed on a similar situation in his previous posting in New Delhi. He noticed that the respondent was at that time beginning to show signs of agitation. When complainant failed to produce anything in writing despite repeated demands from respondent, the latter yelled invectives against complainant and almost simultaneously struck him on the left side of the face, dislodging his pair of eyeglasses. Respondent allegedly attempted a second blow but missed. Instead, he hit a glass panel and cut his hand, then climbed on top of the complainant's desk and threatened complainant further. Thereafter, the proverbial cooler heads intervened and restrained both complainant and respondent.

Later that afternoon, respondent Ambassador again reprimanded complainant, Mr. Almeda and the Embassy's driver for the slow progress on the repair of his (Ambassador's) car which was involved in a vehicular collision viewed with suspicion by the respondent Ambassador as an attempt on his life.

The complainant was referred to a fact-finding team, on the basis of the recommendation of which the Department of Foreign Affairs filed a formal charge against respondent dated 15 December 1997 for grave misconduct, an offense under Section 23 (c) Rule XIII Book V of Executive Order 292 (Revised Administrative Code of 1987) and Section 55 of RA 7157 (Philippine Foreign Service Act of 1991) with the Board of Foreign Service Administration (BFSA).

Pursuant to Board Resolution No. 09-98 dated 15 June 1998, the BFSA created an Investigating Committee mandated to hear and receive evidence for and against the respondent. Mr. Maximo appeared before the Investigating Committee on 18 June 1998 to re-affirm his earlier report of the incident dated 01 July 1996, his affidavit executed before the fact-finding Committee on 01 November 1997, and present his version of the incident. Amb. Ali did not bother to adduce any evidence in his favor. The closest hint of defense from the Ambassador is his claim of "self preservation" in anticipation

of “imminent physical attack” from Mr. Maximo. The Investigating Committee found substantial evidence in support of the charges against the respondent.

In its Regular Board Meeting No. 06-98 held on 05 November 1998, the BFSa deliberated on the administrative case filed against the respondent and affirmed the findings of the Investigating Committee. Further, the Board recommended the issuance of a reprimand against the respondent and to enjoin the Secretary to inform the President of the record of the Ambassador Sanchez Ali in the event that the President should consider him for nomination to another ambassadorial post.

The Secretary of Foreign Affairs concurred with the findings of the majority of the Board members.

After a review of the case, this Office concurs with the findings of the Department of Foreign Affairs.

WHEREFORE, premises considered, Ambassador Sanchez Ali is hereby meted the penalty of reprimand with a warning that a repetition of a similar offense shall be dealt with more severely.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 04th day of MARCH, in the year of Our Lord, nineteen hundred and ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 60
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH
FORFEITURE OF ALL BENEFITS UNDER THE LAW ON TACLOBAN CITY FIRST
ASSISTANT PROSECUTOR LEO C. TABAO

This is an administrative complaint initiated by former Assistant City Prosecutor Emmanuel B. Gerez against First Assistant City Prosecutor Leo C. Tabao, both of Tacloban City, for dishonesty, gross negligence, dereliction of duty, and conduct unbecoming of a public officer.

In his sworn-complaint dated October 15, 1993, complainant alleges the following:

1. respondent committed gross negligence for failing to appear, despite due notice, in the scheduled hearing on September 3, 1993 of Criminal Case No. 93-06-352 (People v. Ballais, et. al.), for violation of Section 4, Article 2 of Republic Act (RA) No. 6425, resulting in the dismissal of the case; resting Criminal Case No. 92-05-191 (People v. Fabi, et. al.), for violation of Presidential Decree No. 705, albeit identity of the persons accused had not been sufficiently established, despite existence of several witnesses listed in the information, leading to the dismissal of the complaint; and continuing to appear in the prosecution of Criminal Case No. 93-05-287 (People v. Peñaranda), for violation of Sec. 4, Art II of RA 6425, although he had previously inhibited himself therefrom, thus bungling the prosecution's evidence leading to the acquittal of the accused;
2. respondent committed dishonesty when he stated in his certificate of service that he rendered full-time service for the month of April 1993 despite his absence from court duty in the entire morning of April 27, 1993; and
3. respondent likewise committed conduct unbecoming of a public officer in placing the letters S_ _T, which conveys no other meaning than the term "SHIT", in the "Opposition to the Formal Offer of Exhibits for the Prosecution" filed in the case of People v. Pelaez pending before Branch 2, Metropolitan Trial Court of Tacloban City.

Responding, Tabao denied being negligent in handling the criminal cases in question. While admitting that he was absent in the morning of April 27, 1993 and that he stated in his certificate of service that he rendered full-time service for that month, he alleged that the charge of dishonesty is frivolous as a leave of absence is not required for a half-day absence. He also maintained that if ever he wrote "s_ _t" on his file copy of the subject pleading, such is not the concern of others, including complainant.

Finding respondent's explanation to be unsatisfactory, the Department of Justice (DOJ) formally charged Tabao for the aforestated offenses.

By way of answer, respondent submitted photocopies of his formal transmittal letter dated January 10, 1994, regarding his formal answer with annexes on the same administrative complaint filed by

complainant; the copy itself of his formal answer; the letter of the Chief State Prosecutor to the Solicitor General relative to the Fabi case; and the decision dated October 3, 1994 of the Hon. Franklin Drilon, then DOJ Secretary, exonerating him on the same charges. (Page 5, Letter of the DOJ Secretary dated January 6, 1999)

After formal investigation, the case was submitted for decision.

In his letter-report to me dated January 6, 1999, the DOJ Secretary resolved to dismiss, for lack of basis, the charge of gross negligence and dereliction of duty, but found respondent liable for dishonesty and misconduct/conduct unbecoming of a public officer and recommended his dismissal from the service with forfeiture of benefits. The Secretary explained his findings as follows:

“Evaluating the complaint in the light of the evidence presented, we find that there is substantial evidence to impose disciplinary sanction against respondent prosecutor for dishonesty and conduct unbecoming of a public officer. His admission that he executed a certificate of service for the month of April 1993 in that he rendered full time service without absences albeit in the prosecution of Criminal Case No. 89-07-315 against Jesus Lazada, Jr., he stated, when required by the court to explain his absence from his court duty on April 27, 1993, that he was absent from the office in the morning of said date, confirms that he indeed committed dishonesty. While it is true that leave application submitted on a prescribed form for a half-day absence is not required, nevertheless, it behooves upon respondent prosecutor to inform his immediate supervisor of such absence and to reflect it on his certificate of service so that the corresponding deduction on his leave credits be effected. It must be emphasized that government prosecutors are not exempted to render not less than eight (8) hours of work a day for five (5) days a week as prescribed under the civil service law and rules. Thus, respondent prosecutor’s act in deliberately certifying that he rendered full-time service on April 27, 1993 when in truth and in fact he was absent on the whole morning of said date, constitutes a clear case of dishonesty.

Likewise, respondent prosecutor’s impudent admission that he inscribed profanities on his official copies of judicial documents, brazenly insisting that it is not the public’s concern, vividly demonstrates his mental trait and behavior incompatible with the qualities required of a public servant. As borne out from the record, the subject document (Annex F-1 of the complaint) where respondent prosecutor made a notation of “S_ _t”, which means “SHIT”, is undoubtedly part of the official record in criminal case entitled “People of the Philippines vs. Frank Pelaez”, then pending before the Metropolitan Trial Court of Tacloban City, Branch II. As a matter of fact, it is page 150 of the record of the said case. Respondent prosecutor’s claim that it is his file copy and that he did not know how it came to be with the court is of no moment. Whether the subject document is his file copy or part of the judicial record, since it is an official document, respondent prosecutor has no authority to inscribe profanities thereon. Worse, a scrutiny of [the] record of the said case of “People vs. Frank Pelaez”, as pointed out by complainant, the original copy of the “Opposition to the Formal Offer of Exhibits for Prosecution” (p.143), filed by accused’s counsel Atty. Jose S. Buban, contained the designation indicated below respondent prosecutor’s name. This only shows that Atty. Buban never meant to disregard indicating the official

designation of respondent prosecutor in the said pleading. Hence, to our mind, respondent prosecutor's penchant for allusions to provoke trivial matters and disparaging insinuations on his fellow court officers, expressed in uncouth and intemperate language, are evidently conduct unbecoming of a public officer.

It bears stressing that as a public prosecutor, it must have been instilled upon respondent prosecutor that it is his duty as a public servant to exhibit the highest sense of honesty, integrity and strictest discipline in the performance of his official duties. Respondent prosecutor's insolent views on his false certification and his profane notations on public documents constitutes [sic] the very essence of conduct unbecoming of a public officer which falls below the highest ethical standards by which prosecutors of this Department are obliged to abide with.

Anent, however, the charge against respondent prosecutor for dereliction of duty and gross negligence in handling the following cases, to wit: Criminal Case No. 93-06-352 against Natividad Ballais, et al.; Criminal Case No. 92-05-191 against Mayor Ernesto Fabi, et al.; and Criminal Case No. 93-05-287 against Ramil Peñaranda, the same should be dismissed for insufficiency of evidence. Indeed, the instant accusation of gross negligence arising from the dismissal of Criminal Case No. 93-06-352 is a rehash of a similar complaint filed by Prosecutor Roland N. Homeres, which was already dismissed by this Department on October 3, 1994, thru then Secretary Franklin M. Drilon. As we have noted in the said case, "(r)espondent prosecutor was able to sufficiently explain why he failed to appear on the scheduled hearing of September 3, 1993 of the aforesaid criminal case. xxx The immediate filing by respondent prosecutor of the motion for reconsideration upon his receipt of the order of dismissal further strengthens his claim of good faith. Unless it can be indubitably shown that his actuation was tainted with malice or deliberate intent to cause an injustice, administrative sanction is not called for".

Similarly, we find no basis to hold respondent prosecutor administratively liable with the granting by the court of the demurrer to evidence filed by the accused in Criminal Case No. 92-05-191. His comments on the said demurrer to evidence, taken together with his immediate filing of a motion for reconsideration upon his receipt of the order granting the demurrer to evidence, as well as his request for a corrective writ with the higher court, which was favorably acted by no less than then Chief State Prosecutor Zenon L. de Guia, are telltale evidence that he acted in good faith and had no intention to cause an injustice.

Finally, we must also dismiss complainant's claim that respondent prosecutor bungled the prosecution's evidence leading to the acquittal of the accused in Criminal Case No. 93-05-287 for utter lack of evidence. As established on the record, Prosecutor Sionne V. Aujero-Gaspay took over the prosecution and handled the said case up to its termination. And, if it is true that respondent prosecutor interfered with the case undermining the cause of the prosecution, we wonder why Prosecutor Gaspay did not complain and denounce him since she was the prosecutor of the case who is supposed to be directly involved. Considering that respondent prosecutor's explanation on the matter remains uncontradicted, coupled by the fact that it was not clearly shown that he acted with malice and evidence, it stands to reason that he cannot be faulted with the

acquittal of the accused in the aforesaid case. Accordingly, insofar as the charge for dereliction of duty and gross negligence is concerned, we resolve to dismiss the same for insufficiency of evidence.” (*Supra*; Brackets supplied)

The inculpatory findings and conclusions of the DOJ Secretary, supported as they are by, or at least reasonably inferable from, substantive evidence on record commend themselves for concurrence. Indeed, respondent prosecutor, being a government employee, is duty-bound to observe civil service laws and rules concerning office attendance. His admission that he was absent in the morning of April 27, 1993 after deliberately stating in his certificate of service that he incurred no absence for that month is a clear case of dishonesty.

Similarly, the admission of respondent prosecutor that he wrote profanities on his official files, such as “S_ _t” or “shit” as well as his tendency to provoke trivial matters and disparaging insinuations on his fellow court officers are truly deplorable, tending as they do to destroy public respect for the public office that he holds and the institution he represents.

WHEREFORE, premises considered, respondent First Assistant City Prosecutor Leo C. Tabao of Tacloban City is hereby found guilty of dishonesty and misconduct/conduct unbecoming of a public officer. Accordingly, as recommended by the Secretary of Justice, First Assistant City Prosecutor Leo C. Tabao is hereby DISMISSED from the service with forfeiture of all benefits under the law, effective upon his receipt of a copy hereof.

Done in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 61

REITERATING THE PROVISIONS OF ADMINISTRATIVE ORDER NO. 1-A DATED JANUARY 6, 1954, AND ADMINISTRATIVE ORDER NO. 1 DATED DECEMBER 30, 1965, PROHIBITING PUBLIC OFFICERS AND EMPLOYEES FROM ENTERING INTO CERTAIN KINDS OF OFFICIAL TRANSACTIONS WITH REAL OR IMAGINED RELATIVES OF THE PRESIDENT

I, **JOSEPH EJERCITO ESTRADA**, President of the Philippines, by virtue of the powers vested in me by law, do hereby reiterate the provisions of Administrative Order No. 1-A dated January 6, 1954, and Administrative Order No. 1 dated December 30, 1965, both prohibiting public officers and employees from dealing directly or indirectly or entering into certain kinds of official transactions with real or imagined relatives of the President.

Therefore, all officers and employees of the government who are holding positions of trust and responsibility are hereby prohibited from dealing directly or indirectly with any of my relatives or the relatives of the First Lady, within the third civil degree of consanguinity or affinity, whether real or imagined, in matters relating to procurement or purchase of supplies and materials, appointment of government personnel, recommendations for positions, or any other matter calling for action or decision, in which the interested party invokes or makes use of my name or that of any member of my family, or of such relationship in order to obtain any favor, concession or privilege either for him or for any other person.

Any officer or employee of the Government, including those in government-owned and controlled corporations, violating this Order shall be dealt with administratively.

DONE in the City of Manila, this 23rd day of March, in the Year of Our Lord Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 62

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON PROSECUTOR I JESUS CLARITO L. ESPINA, PROVINCIAL PROSECUTOR'S OFFICE, LAOANG, NORTHERN SAMAR

This refers to the administrative complaint filed by the children of the late Senecio Cerujano against Prosecutor I Jesus Clarito L. Espina of the Provincial Prosecutor's Office, Laoang, Northern Samar, for conduct prejudicial to the best interest of the service.

The records show that a case for robbery in band with multiple homicide was filed against Matea Infante, et. al., before the Regional Trial Court (RTC), Branch XXII, Laoang, Northern Samar and docketed thereat as Criminal Case No. 1276. After trial, all the accused, except Matea Infante, were convicted and meted the death penalty. On automatic review by the Supreme Court, the judgment of conviction was affirmed but the death penalty was commuted to reclusion perpetua. The resolution of the Court En Banc became final and executory on May 7, 1987. On May 28, 1987, the records of the case were remanded to the court of origin for execution of judgment. On June 14, 1993, respondent prosecutor filed a motion seeking the perpetual dismissal of the case in view of the repeal of Republic Act (R.A.) 1700 (the Anti-Subversion Law). Acting on said motion, presiding Judge Mateo Leanda of RTC-Branch XXII, Laoang, Northern Samar issued an order of even date dismissing Crim. Case No. 1276 perpetually.

Thus, the instant complaint.

In his comment/answer, respondent prosecutor denies any anomalous conduct in affixing his signature on the motion to dismiss Crim. Case No. 1276. He avers that it was Judge Leanda who initiated the same in view of the repeal of R.A. 1700. He further avers that considering the circular mandating all government prosecutors handling subversion cases to file the corresponding motion to dismiss such cases and because he respected and trusted Judge Leanda who further assured him that the dismissal would cover only the anti-subversion aspect of the case, he agreed and asked the judge to prepare the necessary motion. On the same morning, respondent adds, the motion was handed to him and after reading the same, he affixed his signature thereon. The corresponding order granting said motion was issued but he was not furnished a copy thereof. Hence, he was not able to evaluate the same nor ask for its reconsideration.

During the formal investigation, respondent prosecutor reiterated his earlier averments. He further manifested that he was of the belief that Crim. Case No. 1276 also involves a violation of the Anti-Subversion Law because all the accused are members of the NPA.

In a subsequent memorandum, respondent prosecutor submitted the sworn statements of Marlu Gonzales and Felipe Irinco, branch clerk of court and court interpreter, respectively, of RTC-Branch XXII to support his earlier averments. He further avers that he filed before the court an urgent motion dated June 29, 1998 seeking the annulment of the order dated June 14, 1993 dismissing Crim. Case No. 1276 but the motion was referred by the court to the Supreme Court for proper disposition.

Evaluating carefully the answer of respondent in the light of the evidence on record, we find his explanation unsatisfactory.

The records clearly show that Criminal Case No. 1276 is a suit for robbery in band with multiple homicide. Very evident is the fact that all the accused, except one, were convicted by the lower court on March 21, 1986 and that the judgment of conviction was affirmed with finality by the Supreme Court on May 7, 1987. With this factual backdrop, it is totally surprising for respondent prosecutor to file a motion to dismiss the same case six (6) years later completely disregarding the settled rule that a judgment which has acquired finality becomes immutable and unalterable and may no longer be modified in any respect except only to correct clerical errors or mistakes. All issues between the parties being deemed resolved and laid to rest.

In transgressing the rules and settled jurisprudence, respondent irresponsibly trifled with court processes and impaired the right of the people to due process. Respondent's defense of lack of malice and/or corrupt motive in filing the motion to dismiss Crim. Case No. 1276 does not absolve him from liability for an improper and forbidden act, a dereliction of duty, willful in character and implying wrongful intent. This despicable conduct is exactly the opposite of what the government expects from its prosecutors in its vigorous and unrelenting campaign against criminality.

Thus, prosecutors should not allow and should avoid giving the impression that their noble office is being used or prostituted willingly or unwittingly, for political ends or other purposes alien to, or subversive of, the basic and fundamental objective of serving the interest of justice evenhandedly, without fear or favor to any and all litigants alike, whether rich or poor, weak or strong, powerless or mighty. Only by strict adherence to the established procedure may the public's perception of the impartiality of the prosecutor be enhanced. (*Tatad vs. Sandiganbayan*, G.R. no. 72335-39, 21 March 88.)

WHEREFORE, respondent Prosecutor I Jesus Clarito L. Espina of Northern Samar is hereby DISMISSED from the service.

Done in the City of Manila, this 30th day of March, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63
CONSTITUTING A CABINET SUPERVISORY COMMITTEE ON THE IMPLEMENTATION OF
THE GRP-MNLF PEACE AGREEMENT

WHEREAS, during the National Security Council (NSC) meeting of January 21, 1999, it was decided that the GRP-MNLF Peace Agreement shall be fully implemented to provide maximum benefits to our people, more particularly in Southern Philippines;

WHEREAS, the signing of the September 2, 1996 Peace Agreement between the GRP and the MNLF signaled the end of decades of strife and hostilities and brought hopes to improve the conditions of the Muslim People in the Southern Philippines; and

WHEREAS, peace and development in the Southern Philippines will enable our people to enjoy their just share in the fruits of progress.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. CREATION OF A CABINET SUPERVISORY COMMITTEE ON THE IMPLEMENTATION OF THE GRP-MNLF PEACE AGREEMENT. A Cabinet Supervisory Committee is hereby formed to address a broad range of executive issues and concerns pertaining to the implementation of the GRP-MNLF Peace Agreement.

SECTION 2. COMPOSITION OF THE CABINET SUPERVISORY COMMITTEE. The Cabinet Supervisory Committee shall be headed by the Executive Secretary as Chairman and the Presidential Adviser on the Peace Process as Vice-Chairman with the following as Members:

- a. Secretary of National Defense (DND);
- b. Secretary of Public Works and Highways (DPWH);
- c. Secretary of Agriculture (DA);
- d. Secretary of Budget and Management (DBM);
- e. Secretary of Transportation and Communications (DOTC);
- f. Director-General, National Economic and Development Authority (NEDA);
- g. National Security Adviser;
- h. Presidential Adviser on Economic Affairs; and
- i. Undersecretary of the Interior and Local Government (DILG).

SECTION 3. FUNCTIONS OF THE CABINET SUPERVISORY COMMITTEE. The Cabinet Supervisory Committee shall have the following functions:

- a. Provide a more focused and more effective direction and supervision in the implementation of the GRP-MNLF Peace Agreement in accordance with Executive Order No. 371, series 1996 entitled, "Proclaiming a Special Zone of Peace and Development in the Southern Philippines,

and Establishing Therefor the Southern Philippines Council for Peace and Development and the Consultative Assembly;”

- b. Monitor, in coordination with concerned agencies, the implementation of various peace and development projects being undertaken in the SZOPAD; and
- c. Address the problems that hinder the effective implementation of the GRP-MNLF Peace Accord.

SECTION 4. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 6th day of April, in the Year of our Lord, Nineteen Hundred and Ninety-nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 64
REPEALING ADMINISTRATIVE ORDER NO. 48 AND 48-A TO RATIONALIZE THE
ORGANIZATION OF DEVELOPMENT TASK FORCES IN CENTRAL MINDANAO

WHEREAS, Administrative Order No. 48 (dated 10 February 1999) constituted the Maguindanao, Lanao del Norte, Lanao del Sur and Cotabato (MAGLANCO) Area Development and Coordinating Council and abolished the Central Mindanao Development Task Force created under Administrative Order No. 286 (dated 3 September 1996);

WHEREAS, Administrative Order No. 48-A (dated 18 March 1999) placed the MAGLANCO Area Development and Coordinating Council under the over-all coordination of the Southern Philippines Council for Peace and Development or SPCPD (created pursuant to Executive Order No. 371 dated 2 October 1996); and

WHEREAS, there is need to further rationalize and streamline the organization of development task forces in Central Mindanao to ensure effective implementation of peace and development projects in Central Mindanao area.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. REPEAL OF ADMINISTRATIVE ORDER NO. 48 AND 48-A. Administrative Order No. 48 (dated 10 February 1999) and Administrative Order No. 48-A (dated 18 March 1999) are hereby repealed.

It is understood that the Central Mindanao Development Task Force shall continue to perform its functions pursuant to Administrative Order No. 286 (dated 3 September 1996) and in consonance with the Peace Agreement between the Government and the Moro National Liberation Front (MNLF).

SECTION 2. EFFECTIVITY. This Order shall take effect immediately.

DONE in the City of Manila, this 12th day of April, in the Year of our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:
(Sgd.) **RAMON B. CARDENAS**
Senior Deputy Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 65
DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND
PROGRAMS TO CELEBRATE THE PHILIPPINE INDEPENDENCE DAY ON 12 JUNE 1999 AND
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION

WHEREAS, there is need for the Filipino people to commemorate the heroism and self-sacrifice of our forefathers in the struggle for Philippine Independence;

WHEREAS, this year, we are celebrating the 101st Anniversary of the proclamation of Philippine Independence and the centenary of major events of the Malolos Republic; and,

WHEREAS, there is need to properly coordinate all activities leading to the said celebration.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, pursuant to the powers vested in me by law, do hereby order:

Section 1. The government shall take the lead in the celebration of Philippine Independence with the theme, “*Kalayaan Tungo sa Kaginhawaan*”, emphasizing that the ultimate goal of the struggle for independence is the improvement in the quality of life and well-being of all Filipinos.

Sec. 2. All Departments, Bureaus, Offices, National Government Agencies, and Government Owned and Controlled Corporations are hereby directed to participate in the Philippine Independence Day in a fitting manner consistent with their respective public service functions.

Activities specifically directed for the poor and the disadvantaged sectors shall be given priority attention. Such activities shall include, among others, medical missions, job fairs, trade fairs, and special programs and activities in government cultural facilities.

Said agencies are further enjoined to encourage the participation of private sector groups and non-government organizations to help make the 1999 Independence Day Celebration a momentous occasion.

Sec. 3. The Celebration shall stress the participation of Filipinos in all regions of the country in the struggle for independence.

Towards this end, Local Government Units are enjoined to participate in the celebration by organizing independence day activities in their respective localities.

Sec. 4. A National Committee is hereby created to coordinate the following major events, in coordination with local government units and/or other agencies involved:

- a. Flag Raising and Wreath Laying at Rizal Park; Aguinaldo Shrine at Kawit, Cavite; Barasoain Church in Malolos, Bulacan; and Bonifacio Monument in Kalookan City. The same activities shall also be conducted simultaneously in selected locations in the Cordilleras, Bicol, Visayas, and Mindanao.
- b. Independence Day Program and Civic-Military Parade at the Quirino Grandstand, Rizal Park which shall be modest in scale but meaningful.

Sec. 5. The National Committee shall be composed of the following:

Chairman, National Commission for Culture and the Arts	–	Chairman
Secretary of Education, Culture and Sports	–	Co-Chairman
Secretary of Foreign Affairs	–	Member
Secretary of Finance	–	Member
Secretary of Public Works and Highways	–	Member
Secretary of Labor and Employment	–	Member
Secretary of National Defense	–	Member
Secretary of Trade and Industry	–	Member
Secretary of Interior and Local Government	–	Member
Secretary of Tourism	–	Member
Secretary of Budget and Management	–	Member
Secretary of Transportation and Communication	–	Member
Secretary of Social Welfare and Development	–	Member
Press Secretary	–	Member
Chief of Staff, Armed Forces of the Philippines	–	Member
Director-General, Philippine National Police	–	Member
Head, Presidential Management Staff	–	Member
Chief, Presidential Protocol	–	Member
Director General, Philippine Information Agency	–	Member
Chairman, Metropolitan Manila Development Authority	–	Member
Executive Director, National Historical Institute	–	Member
Executive Director, National Parks Development Committee	–	Member
Governor, Province of Bulacan	–	Member
Governor, Province of Cavite	–	Member
Mayor, City of Manila	–	Member
Mayor, City of Kalookan	–	Member
Mayor, Municipality of San Juan	–	Member
President, League of Provinces	–	Member
President, League of City Mayors	–	Member
President, League of Municipalities of the Philippines	–	Member
President, Liga ng mga Barangay	–	Member

Sec. 6. To assist the National Committee, an Executive Committee is hereby created consisting of the Chairman and the Co-Chairman of the National Committee, the Secretaries of Finance, Budget and Management, and Public Works and Highways, and such other members as the Chairman may designate.

Sec. 7. The National Committee Chairman is hereby authorized to call upon any department, bureau, office or instrumentality of the government, including government-owned or controlled corporations and local government units, to extend all necessary assistance to the National and Executive Committees.

Sec. 8. In support of the 1999 Independence Day Celebration, all concerned government agencies and local government units are authorized to allocate such amount as may be necessary to defray expenditures for the 1999 Independence Day Celebration.

Sec. 9. The funds necessary for the implementation of the programs/activities identified in Section 4 hereof, shall come from funds of the Office of the President allocated for the purpose in the 1999 GAA and from the unobligated funds for cultural and historical activities released to the Department of Education, Culture and Sports (Office of the Secretary) and the National Historical Institute from the 1998 GAA.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the 1999 GAA, or from such other sources as may be determined by DBM.

Sec. 10. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th of April, in the year of Our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 66

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 23 DATED DECEMBER 17, 1992,
AS AMENDED BY ADMINISTRATIVE ORDER NO. 159 DATED NOVEMBER 25, 1994,
PRESCRIBING FOR THE RULES AND PROCEDURES ON THE INVESTIGATION OF
ADMINISTRATIVE DISCIPLINARY CASES AGAINST ELECTIVE LOCAL OFFICIALS OF
PROVINCES, HIGHLY URBANIZED CITIES, INDEPENDENT COMPONENT CITIES,
COMPONENT CITIES AND CITIES AND MUNICIPALITIES IN METROPOLITAN MANILA

I, **JOSEPH E. ESTRADA**, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Section 2, Rule I of Administrative Order No. 23, as amended, is hereby further amended, to read as follows:

“SEC. 2. *Disciplining Authority.* – The President, who may act through the Executive Secretary, shall be the Disciplining Authority for all administrative complaints against elective local officials covered therein.”

SECTION 2. Section 3 of Rule 1 of Administrative Order No. 23, as amended, is hereby further amended, to read as follows:

“SEC. 3. *Investigating Authority.* – The Secretary of the Interior and Local Government is hereby designated as the Investigating Authority. As such, he is authorized to investigate complaints filed against elective officials covered herein and act appropriately thereon as hereinafter provided. He may, thereafter, constitute an Investigating Committee in the Department of Interior and Local Government for the conduct of investigation.

The preceding paragraph notwithstanding, the Disciplining Authority may, in the interest of the service, constitute a Special Investigating Committee in lieu of the Secretary of the Interior and Local Government. Nothing herein provided, however, shall prevent the President from assuming jurisdiction at any stage of the proceedings over cases to be preliminarily investigated by the Department of Interior and Local Government. In such event, the same shall immediately be forwarded to the Special Investigating Committee after it may have been constituted by the Disciplining Authority

SECTION 3. Section 4 of Rule 3 of Administrative Order No. 23, as amended, is hereby repealed.

SECTION 4. Sections 1 and 3 of Rule 4 of Administrative Order No. 23, as amended is hereby amended, to read as follows:

Sec. 1. *Notice.* – Within seven (7) days after the complaint is filed, the Investigating Authority or the Disciplining Authority as the case may be shall issue an order requiring the respondent to submit his verified answer within fifteen (15) days from receipt thereof.

Sec. 3. Where filed. – The answer shall be submitted to the Secretary of the Interior and Local Government or the Office of the President as the case may be. However, for cases against elective officials of LGUs concerned outside Metropolitan Manila, the answer may be submitted through the concerned Regional Director of the DILG, who shall transmit the same to the Secretary of the Interior and Local Government, within forty-eight (48) hours from receipt thereof. In this regard, the Regional Director concerned shall authenticate all the pertinent documents presented to him.

A copy of the answer shall be furnished to each of the following:

- a) The complainant;
- b) The Office of the Governor in the case of component cities; and
- c) The Metropolitan Manila Development Authority in the case of cities and municipalities in Metro Manila.”

Sec. 5. Sections 1 and 3 of Rule 5 of Administrative Order No. 23, as amended, are hereby amended, to read as follows:

“Sec. 1. Commencement. – Within twenty (20) days from receipt of the answer, the Investigating Authority shall commence the investigation of the case.”

“Sec. 3. Evaluation. – After the filing of the answer, the Investigating Authority shall, within fifteen (15) days from receipt thereof, determine the existence of a probable cause.”

Should probable cause exists, the Investigating Authority shall set the case for preliminary conference and formal administrative proceedings shall thereafter be conducted. If warranted, the investigating Authority may recommend to the Disciplining Authority the imposition of a preventive suspension on the respondent/s.”

Sec. 6. This Order shall take effect immediately.

Done in the City of Manila, this 4th day of MAY, in the Year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 67
REORGANIZING THE COORDINATING COUNCIL OF THE PHILIPPINE ASSISTANCE
PROGRAM AND CONVERTING IT INTO THE COORDINATING COUNCIL
FOR PRIVATE SECTOR PARTICIPATION

WHEREAS, the Coordinating Council of the Philippine Assistance Program (CCPAP) was created under Administrative Order No. 105, s. of 1989 to take the lead role in coordinating efforts to effectively mobilize international aid and to ensure its successful implementation;

WHEREAS, CCPAP has played an active role in the promotion and facilitation of private sector participation in infrastructure development, with the CCPAP Chairman designated as the BOT Action Officer by virtue of Memorandum Order No. 166, s. of 1993;

WHEREAS, CCPAP is the central body responsible for the coordination and monitoring of projects implemented under Republic Act No. 7718 or the Amended BOT Law;

WHEREAS, pursuant to R.A. No. 7718 or the Amended BOT Law, projects which would have difficulty in sourcing funds may be financed partly from direct government appropriations and/or from Official Development Assistance (ODA) not exceeding fifty percent (50%) of the project cost;

WHEREAS, the ODA Act of 1996 (Republic Act No. 8182, as amended) underscores the oversight and coordination functions of the National Economic and Development Authority (NEDA) in the programming, implementation, and evaluation of all projects financed by ODA;

WHEREAS, NEDA is the central planning agency for social and economic development, and in the exercise of said function, formulates and recommends to the President and the NEDA Board investment and infrastructure development policies and programs consistent with national development objectives and priorities;

WHEREAS, there is a need to achieve increased efficiency and effectiveness in ODA-related activities, and to rationalize the institutional framework to support private sector participation in infrastructures and other development activities as a cornerstone strategy of the national development plan.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, pursuant to the powers vested in me by law, do hereby order:

SECTION 1. Reorganization of the Coordinating Council of the Philippine Assistance Program – The Coordinating Council of the Philippine Assistance Program shall be converted into the Coordinating Council for Private Sector Participation, hereinafter referred to as the Council, and shall be composed of the following:

- The Secretary of Socio-Economic Planning
- The Secretary of Finance
- The Secretary of Foreign Affairs
- The Secretary of Justice

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- The Secretary of Agriculture
 - The Secretary of Public Works and Highways
 - The Secretary of Trade and Industry
 - The Secretary of Energy
 - The Secretary of Interior and Local Government
 - The Executive Secretary
 - The Secretary of Transportation and Communications
 - The Secretary of Budget and Management
 - The Governor of the *Bangko Sentral ng Pilipinas*
 - The Representative of the Senate to be designated by the Senate President
 - The Representative of the House of Representatives to be designated by the Speaker of the House
 - Four representatives from the private sector to be appointed by the President

The Council may invite any individual or call on any departments, bureaus, offices and instrumentalities of the government for appropriate assistance.

SECTION 2. The Chairman and the Secretary – The Secretary of Socio-Economic Planning shall serve ex officio as the Chairman of the Council. The Secretary of the Council shall be the Executive Director, with the rank of Undersecretary, of the Technical Secretariat to the Council, who shall be appointed by the President of the Philippines.

SECTION 3. Powers and Functions of the Council – The Council shall:

- a) Coordinate and monitor the program of the government on private sector participation, hereinafter referred to as PSP, in its infrastructure and other development activities;
- b) Formulate and recommend policies and guidelines that will ensure transparent and expeditious implementation of PSP programs and projects of the government;
- c) Prepare and submit to the President and to Congress reports on the implementation of the PSP programs and projects of the government;
- d) Coordinate project facilitation tasks for PSP projects; and
- e) Perform such other duties and functions that the President may, by order, assign.

SECTION 4. Technical Secretariat – The existing Technical Office of the CCPAP, presently headed by an Executive Director and consisting of the ODA Unit, the BOT Center and other support units, shall become the Technical Secretariat of the Council and shall continue to provide technical and administrative support to the Council. However, the Technical Secretariat, which shall remain attached as an autonomous unit to the Office of the President, is hereby restructured to perform the following functions:

- a) Undertake activities related to the development of PSP programs and projects, including projects with ODA financing pursued under the Amended BOT Law, as follows:
 - Formulate policies and implementation guidelines, in consultation with appropriate government oversight committees, implementing agencies, Local Government Units and private sector groups on various aspects of PSP project development;

- Assist in PSP project development by providing technical assistance to national implementing agencies, including government owned and controlled corporations, and Local Government Units in the identification, preparation or evaluation of PSP projects;
 - Manage and administer a project development facility that will help prepare PSP projects to tendering stage;
 - Provide training and institution building support to national implementing agencies and Local Government Units on PSP project development;
 - Promote and market the PSP program, including the formulation and implementation of a promotion and marketing plan, providing service as a “one-stop information center” for investors/developers as well as government agencies; and
 - Monitor and coordinate the PSP programs and projects of the government.
- b) Conduct project facilitation and problem-solving activities for PSP projects;
- c) Serve as the research, technical and logistical support arm of the Council; and
- d) Perform such other functions as may be assigned to it by the Council and/or the President.

SECTION 5. Funding. The Department of Budget and Management shall provide and release the funds needed for the financial and operational requirements of the Council and its Technical Secretariat. Funds shall continue to be chargeable against the Office of the President and those previously appropriated to the CCPAP and its Technical Office, subject to government accounting and auditing procedures.

SECTION 6. Repealing Clause – Administrative Order No. 105, s. of 1989 and Administrative Order No. 259, s. of 1992 are hereby amended or revoked accordingly.

All executive orders, administrative orders, other presidential issuances, and implementing rules and regulations not inconsistent with this Administrative Order shall continue to be in full force and effect.

The Council and the Technical Secretariat shall continue to exercise all other powers, duties and functions outside the ambit of this Order which were previously assigned to CCPAP and the Technical Office by law and which have not been transferred or revoked.

SECTION 7. Effectivity – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of MAY, in the year of Our Lord, nineteen hundred and ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 68
AMENDING SECTION 4 SUBPARAGRAPH (C) OF ADMINISTRATIVE ORDER NO. 141,
DATED AUGUST 17, 1994

I, **JOSEPH EJERCITO ESTRADA**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the amendment of Section 4 (c) of Administrative Order No. 141, dated August 17, 1994, to read as follows:

“Section 4 (a) x x x

(b) x x x

(c) Properties or assets, contracts or agreements, causes or rights of action, or other insurable interests of the Armed Forces of the Philippines and the Philippine National Police shall not be bound by this Administrative Order, but may, otherwise, be insured with or bonded by the GSIS if so desired or when circumstances so warrant.”

Done in the City of Manila, this 05th day of JUNE, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 69
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON 3RD ASSISTANT
PROVINCIAL PROSECUTOR ARNULFO F. MANZANO OF ILOCOS SUR

This refers to the administrative complaint against 3rd Assistant Provincial Prosecutor Arnulfo F. Manzano of Ilocos Sur for simple neglect of duty, committed, as stated in the formal charge, as follows:

“That on 12 April 1995 when your attention was first called until September 27, 1996 when the Provincial Prosecutor of Ilocos Sur reassigned your pending cases, you failed to resolve cases assigned to you for preliminary investigation/reinvestigation, thereby violating Section 5 and 6 of Rule 112 of the Rules of Court and Department Circular No. 35 dated 17 September 1991 and Department Circular No. 49 dated 14 July 1993.”

The formal investigation of the case, docketed as Administrative Case No. 97-0003-FS, was assigned to State Prosecutor Albert Fonacier as the Hearing Officer, with State Prosecutor Ruben Carretas as the Prosecuting Officer.

Records show that on April 12, 1995, respondent's attention was called by the Provincial Prosecutor of Ilocos Sur for failure to resolve fourteen (14) of the cases assigned to the former within the period stipulated under the said Department Circulars. In reply, respondent reasoned out that his loaded schedule of hearings and personal problems hampered his efficiency. Respondent promised, however, to resolve said cases within fifteen (15) days.

A year after, or on April 30, 1996, Regional Trial Court Judge Florencio Ruiz called the attention of Regional State Prosecutor Constante Caridad regarding the pendency of cases that were assigned to the respondent. Consequently, the Provincial Prosecutor called again respondent's attention per Office Memo No. 6 by listing six (6) cases for reinvestigation and twenty (20) cases for preliminary investigation which had remained unresolved.

On May 29, 1996, the Regional State Prosecutor ordered an audit and/or inventory of pending cases in Region I. On September 6, 1996, the respondent's attention was again called by the Provincial Prosecutor to four (4) unresolved cases for reinvestigation and ten (10) unresolved cases for preliminary investigation.

On September 3, 1996, the Regional State Prosecutor ordered respondent to show cause why no administrative sanction should be taken against him for violation of Department Circular No. 35 dated September 17, 1991 and Department Circular No. 49 dated July 14, 1993.

In his reply dated September 13, 1996, respondent alleges that he failed to resolve the cases because he figured in a vehicular accident in November of 1995 while on his way to attend trial. As a consequence thereof, he suffered recurring and intermittent neurosis. He further alleged that he requested the Provincial Prosecutor to have his ten (10) unresolved cases reassigned as it was imperative for him to have an immediate medical check-up/scanning of the brain. He even applied

for sick leave. Respondent also attached a medical certificate dated September 25, 1996 issued by Dr. Divina R. Martin-Hernandez, F.P.N.A., a neurologist of the SLU Hospital of the Sacred Heart, Baguio City, with the following assessment: "Post Concussion Syndrome with beginning Depression".

In his 1st Indorsement dated October 16, 1996, the Regional State Prosecutor, finding respondent liable for gross violation of Department Circular Nos. 35 and 49, recommended respondents' suspension without pay for three (3) months. On March 20, 1997, respondent was formally charged for simple neglect of duty. Respondent reiterated his earlier explanation of his failure to resolve the cases and submitted medico-legal and neurologic reports issued by his physicians. He also opted to dispense with the formal investigation.

After a review of the records, the investigating prosecutor found respondent administratively liable for simple neglect of duty and recommended that the latter be admonished only with a stern warning that a repetition of the same infraction in the future shall be dealt with more severely. On review, the Secretary of Justice recommended the imposition of the penalty of dismissal from the service.

In line with the government's policy to speed up the administration of justice by way of early disposition of cases, particularly those under preliminary investigation, Department Circular No. 35 dated September 17, 1991 was issued by the Justice Department, directing all prosecutors of the National Prosecution Service to observe the following guidelines:

"1. Preliminary investigation of complaints shall be terminated and resolved within ninety (90) calendar days from the date of assignment to the investigating prosecutor. In other words, the total period that may be consumed in the conduct of the formal preliminary investigation up to the time the case is submitted for resolution and the same is actually resolved, shall in no case exceed the ninety (90) calendar days reglementary period;

"2. With respect to cases originally investigated by the Trial Courts and the records of which are transmitted to the Provincial/City Prosecutors for appropriate action pursuant to Section 5, Rule 112 of the 1985 Rules of Criminal Procedure, the same shall be assigned to an investigating prosecutor within five (5) days from receipt of the records and the investigating prosecutor shall have thirty (30) days within which to terminate and resolve the case."

On the other hand, Department Circular No. 49 dated July 14, 1993 has further shortened the period to resolve cases under preliminary investigation to sixty (60) calendar days from the date of assignment to the investigating prosecutor.

Records clearly disclose that respondent prosecutor had pending cases which were not resolved within the prescribed period before and after his vehicular accident on November 13, 1995. As a matter of fact, he had twenty (20) unresolved cases prior to the incident, some of which date back to 1994. Hence, while we tend to be more understanding, for humanitarian reasons, of his lapses after the accident, his delays prior to the accident cannot be similarly overlooked. Bending the rules too far would greatly prejudice the interest of the service and deprive the party-litigants of their right to a speedy administration of justice.

WHEREFORE, 3rd Assistant Provincial Prosecutor Arnulfo F. Manzano of Ilocos Sur is hereby found administratively liable for gross neglect of duty and imposed the penalty of dismissal from the service.

Done in the City of Manila, this 17th day of JUNE, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 70
PRESCRIBING ECONOMY MEASURES IN GOVERNMENT OPERATIONS BY LIMITING THE
FILLING OF VACANT POSITIONS IN THE EXECUTIVE BRANCH

WHEREAS, personal services cost is the biggest component of the National Government budget;
WHEREAS, the faster pace of annual personal services growth relative to that of the total budget results in a negative growth in the level of capital spending by the government;

WHEREAS, there is a need to impose limitations on the filling of vacant positions in government to contain the growth of personal services as a component of the budget, and provide greater flexibility in the reallocation of public resources into more productive uses for the economy;

WHEREAS, it is the policy of the government to maintain a lean and productive workforce by optimizing the services of existing government operations by limiting the filling of vacant positions.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the adoption of economy measures in government operations by limiting the filling of vacant positions.

SECTION 1. Coverage. The provisions stipulated herein shall apply to all positions in all departments and agencies in the Executive Branch, including government-owned and/or controlled corporations and State Universities and Colleges.

Sec. 2. Limitations on the Filling of Vacant Positions. Filling of positions in the Executive Branch shall be allowed only if the positions involved are any of the following:

- (a) Positions in agencies with fiscal autonomy as provided for in the Constitution;
- (b) Teaching and allied teaching positions in schools and educational institutions;
- (c) Medical and allied medical positions in hospitals;
- (d) Uniformed positions in the Philippine National Police, Bureau of Fire Protection, Bureau of Jail Management and Penology and the Philippine Coast Guard;
- (e) Positions in newly created, streamlined or reorganized agencies as authorized by law or directed by the President of the Philippines in 1997 or later; and
- (f) Positions to be filled by personnel who are currently employed in the National Government, by transfer or promotion.

Sec. 3. Filling by Appointment or Hiring of New Employees. Positions to be filled by appointment or hiring of new employees shall be allowed: *Provided*, That, only 10% of the vacant itemized positions in the agency as of December 31 of the preceding calendar year, net of those identified in Section 2(a) to (f), shall be filled within a year: *Provided, Further*, That, the filling of positions by appointment or hiring of new employees over and above the 10% ceiling in the preceding proviso may be allowed only when a corresponding number of vacant itemized positions with commensurate or higher salary is abolished as deemed necessary by the Department of Budget and Management: *Provided, Finally*, That,

the filling of vacant administrative positions in any department or agency may only be allowed up to 40% of the vacant itemized positions authorized herein to be filled in a year.

For this purpose, appointments made within the current year prior to the issuance of this Order shall be included in the determination of the number of positions authorized to be filled pursuant to this Section.

Sec. 4. *Monitoring of Compliance.* The Department of Budget and Management, in the case of regular agencies and State Universities and Colleges, and the Civil Service Commission, in the case of government-owned and/or controlled corporations, shall monitor compliance to this Administrative Order.

Sec. 5. *Release of Funds for Unfilled Positions.* Pursuant to Section 67 of the General Provisions of Republic Act No. 8745, the General Appropriations Act for FY 1999, the Department of Budget and Management shall release the corresponding funds for unfilled positions only upon compliance with the above guidelines, and upon submission by the agency of a request for the purpose with a copy of an appointment of the individual concerned, as signed by the head of the agency/appointing authority.

Sec. 6. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 17th day of JUNE, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 71
DISMISSING FROM THE SERVICE ASSISTANT PROVINCIAL PROSECUTOR ILDEFONSO C.
TARIO OF BATAAN FOR INSUBORDINATION AND GROSS NEGLECT OF DUTY

This refers to the administrative complaint filed by Concordia Valencia against Assistant Provincial Prosecutor Ildefonso C. Tario of Bataan for Insubordination and Gross Neglect of Duty. The charges were investigated by the Office of the Regional Prosecutor, Region III and the Office of the State Prosecutor, Department of Justice.

The case stemmed from the criminal complaint for Estafa Through Falsification of Public Document (I.S. No. 96-369) filed sometime in April 1996 by herein complainant Concordia Valencia against Violeta Ganzon, et al. before the Office of the Provincial Prosecutor of Bataan. After the case was assigned to respondent Tario, complainant filed a motion to set case for preliminary investigation, reiterated in a subsequent motion of July 9, 1996.

Owing to respondent's inaction, complainant filed with the Department of Justice on September 5, 1996, a letter-complaint charging the former with "failure to finish the preliminary investigation of the case as soon as possible," which was endorsed by Assistant Chief Prosecutor (ACSP) Nilo C. Mariano to respondent for comment/appropriate action and submission of report on the action on the estafa case. An urgent motion for early resolution of the case having been filed by complainant on October 17, 1996, ACSP Francisco L. Santos referred the same for appropriate action to Regional State Prosecutor (RSP) Carlos de Leon of Region III who, in turn, relayed it to respondent Tario, with a directive for him to submit within two (2) days from receipt thereof, his comment/explanation for the undue delay in the resolution of the estafa case. On January 16, 1997, RSP, De Leon again ordered respondent to submit his comment/explanation but, as in the case of the previous directives, he ignored the same.

On March 17, 1997, complainant filed the instant complaint with the Justice Department, which was endorsed to RSP De Leon for appropriate action. On the following day, the complaint was transmitted to respondent to be answered in writing within five (5) days from receipt thereof.

In his defense, respondent averred that he had the resolution prepared as early as June 1996, but before it could be approved by Provincial Prosecutor Erasto D. Tanciongco, he was asked by complainant to schedule the case for clarificatory questioning, which he set to July 16, 1996 but complainant and her counsel did not appear. Respondent further alleged that he was requested by complainant's son to re-schedule the clarificatory questioning to July 22, 1996, but then again complainant and her counsel failed to appear. Finally, respondent stated that Mayor Carlos Valencia of Abucay, Bataan, offered to mediate between the litigants and said request was granted by Provincial Prosecutor Tanciongco.

For her part, complainant, by way of reply, among others, denied respondent's allegations.

During the pendency of the administrative proceedings, the estafa case was re-assigned to Asst. Provincial Prosecutor Manalo Velasco for preliminary investigation in the course of which it was discovered that the records of the case were missing and were found, on May 28, 1997, in the case folder of "People of the Philippines vs. Constancio Salenga" being handled by Provincial Prosecutor Tanciongco.

On June 13, 1997, during the hearing of the administrative case against respondent by RSP De Leon, the former claimed that he prepared the resolution on the estafa case on June 24, 1996, and forwarded it for appropriate action to Provincial Prosecutor Tanciongco who caused the undue delay in the resolution of the case. At this juncture, respondent moved for Tanciongco's inclusion in the administrative case.

After due investigation, RSP De Leon found respondent Tario guilty of Insubordination and Neglect of Duty and recommended that he be suspended for one (1) month, in view of his admission of the Insubordination charge, plea for compassion and being a first offender.

With regard to respondent Tanciongco, RSP De Leon found that he was remiss in his duty as head of office in monitoring the cases assigned to respondent Tario and, hence, recommended that he be warned that repetition of the same omission will be dealt with more severely.

Upon review, the Office of the State Prosecutor concurred in the recommendation for respondent Tario's suspension for one (1) month. As to respondent Tanciongco, he was recommended to be admonished to exercise more care in the performance of his official duties and warned that repetition of the same offense will merit a more drastic penalty.

In his letter to the President dated December 7, 1998, Justice Secretary Serafin R. Cuevas disagrees with the above recommendations. Brushing aside the alleged mitigating circumstances in favor of respondent Tario, Secretary Cuevas emphasized that it took several directives from his superiors before respondent Tario capitulated and submitted his comment thereon, in utter disregard of prosecutors' duty to immediately respond to directives of the Justice Department. The Justice Secretary further underscored the peremptory nature of DOJ Circular No. 35, dated September 17, 1991, violated by respondent Tario, which mandates the resolution of cases for preliminary investigation within ninety (90) days from the date of assignment to the investigating prosecutor.

As to respondent Tario's threshold defense that he had the resolution on the estafa case as early as June 24, 1996 and submitted it to Provincial Prosecutor Tanciongco for approval, Secretary Cuevas took the same with a grain of salt, observing that, if such were truly the case, then respondent Tario could have readily answered the memorandum of ACSP Mariano and the endorsements of ACSP Francisco Santos and RSP De Leon regarding the administrative complaint against him.

Accordingly, the Justice Secretary found respondent Tario guilty of the graver offense of Gross Insubordination and Gross Neglect of Duty as charged, and recommended that he be dismissed from the service.

Upon the other hand, finding the evidence presented against respondent Tanciongco for unduly delaying the administration of justice and pressuring his subordinate (respondent Tario) to change the latter's resolution to be insufficient to warrant the imposition of any penalty against him, said delay being attributable solely to respondent Tario who, in order to extricate himself from any administrative liability, "passed on the buck" to his superior and co-respondent Provincial Prosecutor Tanciongco, Secretary Cuevas deemed it unnecessary to warn and admonish said respondent.

After going over the records of the case, I am in complete accord with the findings and recommendations of the Secretary of Justice. For so acting in the manner as he did, in open defiance and well nigh utter disregard of the orders of his superiors, respondent Tario had decidedly evinced a stubborn and unwieldy disposition bordering on insolence unbefitting a public prosecutor. What is more, and worse still, the inordinate delay in respondent's resolution of the estafa case had unnecessarily compromised the ends of justice, almost resulting in the mockery, if not parody, thereof. Indeed, by his conduct, respondent Tario has become a blot on the escutcheon of the Justice Department.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant Provincial Prosecutor Ildelfonso C. Tario of Bataan is hereby **DISMISSED** from the service upon receipt of a copy hereof.

Done in the City of Manila, this 17th day of JUNE, in the year of Our Lord, nineteen hundred and ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 72
IMPOSING THE PENALTY OF SUSPENSION FROM THE SERVICE FOR SIX (6) MONTHS
WITHOUT PAY ON BONIFACIO G. BACANI, ASSISTANT CITY PROSECUTOR OF MANILA,
DEPARTMENT OF JUSTICE

This refers to the administrative complaint against Assistant City Prosecutor Bonifacio G. Bacani of Manila for misconduct.

Records tend to show that sometime in November, 1994, Judy Emnas, a respondent in an illegal recruitment/estafa complaint, approached respondent prosecutor for assistance in the dismissal of the said complaint which was pending before then investigating prosecutor (now Judge) Ceasar Casanova. Respondent assured Emnas of his assistance for a consideration of P15,000.00 as grease money which Emnas allegedly gave in December, 1994. Emnas learned later that only the illegal recruitment complaint was dismissed, while the three (3) counts of estafa were filed in court. Again, Emnas approached respondent who told her that he would settle or fix the estafa cases but she (Emnas) has to give P12,000.00 for her bailbond, which was later reduced to P7,500.00. Not believing that the said amount was for her bailbond as no warrant for her arrest has as yet been issued, Emnas went to the National Bureau of Investigation (NBI) which planned and carried out respondent's entrapment on June 29, 1995 in his office where he was arrested after receiving the marked money bills of P7,500.00. Respondent prosecutor was formally charged with grave misconduct by the Department of Justice (DOJ) and placed under preventive suspension for one hundred eighty (180) days.

During the formal investigation, respondent branded the charge of Emnas as baseless. He claimed that Emnas approached him about her predicament that, while the illegal recruitment case was dismissed, she was nonetheless charged in court with three (3) counts of estafa. Continuing, respondent asked Emnas to prepare P36,000.00 for her bailbond since the recommended bail was P12,000.00 in each information. As Emnas could not produce P36,000.00 for her cash bond, he called up Gil San Juan of Eastern Assurance and Surety Company (EASCO) who informed him that P7,500.00 was needed for the premium of 20% of P36,000.00 plus documentary and notarial expenses. On June 29, 1995, Emnas returned to his office with the amount of P7,500.00. He then sought Tessie Gabriel Co, the "pianzador" who referred EASCO to him and wrote a note to Gil San Juan which reads:

Mr. San Juan
EASCO
Leveriza, Malate, Manila

Bearer is entrusted with P7,500.00 for the bailbond of Judy Emnas in Criminal Cases No. 95-143359, 95-1433360 and 95-143361 for estafa.

Please acknowledge receipt.

SGD
B. G. BACANI

Respondent prosecutor maintained that while in the act of wrapping the P7,500.00 with his letter to EASCO, together with the three (3) informations for estafa, the NBI agents rushed inside the room and arrested him, and that Supervising NBI agent Ferdinand Lavin confiscated his letter together with the three (3) informations. Respondent prosecutor presented in evidence the copies of said letter and the three (3) informations, each bearing the handwritten note “certified true photocopy of the original on file with the NBI” signed by NBI agent Lavin.

Instead of presenting witnesses as she had promised to prove her claim that she gave respondent prosecutor P15,000.00 in December, 1994, Emnas submitted an affidavit of desistance, duly assisted by her counsel, which reads:

“x x x after a thorough deliberation and careful study, I came to a conclusion that the said cases arose out of misunderstanding and misappreciation of facts. x x x I feel that I am legally and morally bound to withdraw and desist from the complaint filed against Fiscal Bacani x x x therefore I hereby withdraw and desist the instant complaint.”

After the formal investigation, the Secretary of Justice found respondent prosecutor administratively liable for misconduct and recommended that he be meted the penalty of six (6) months suspension without pay, with a stern warning that a repetition of a similar infraction in the future shall be dealt with more severely.

I agree with the Secretary of Justice.

The credibility of Emnas may have been rendered doubtful by her failure to present, as promised, the corroborative testimony of her witnesses to prove that she gave P15,000.00 to respondent and by her subsequent desistance and withdrawal of her complaint. Nonetheless, I find respondent’s actuation in interceding in the procurement and posting of Emnas’ bailbond relative to the latter’s estafa cases highly irregular, improper, and suspicious. Such activity or practice which does not pertain to his regular functions as public prosecutor clearly shows that he was unmindful of the high degree of trust, honesty and integrity required of his position. His act of receiving the amount of P7,500.00, while perhaps not amounting, under the premises, to bribery, doubtless constitutes misconduct which warrants disciplinary penalty of six (6) months suspension from the service without pay.

WHEREFORE, premises considered, Assistant City Prosecutor Bonifacio G. Bacani of Manila is hereby found guilty for **MISCONDUCT**. Consequently, his suspension from office for six (6) months without pay is hereby imposed effective upon receipt of a copy of this Order, with a stern warning that a repetition of a similar infraction in the future shall be dealt with more severely.

Done in the City of Manila, this 18th day of JUNE, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 73
CREATING THE COMMITTEE ON PRESIDENTIAL FOREIGN TRAVELS AND THE
COORDINATING WORKING COMMITTEE ON OVERSEAS PRESIDENTIAL VISITS

To ensure a smooth planning and execution of all plans and arrangements, including Presidential instructions, relating to Presidential foreign travels, there is hereby created a two-tiered inter-agency body consisting of a Policy Making committee and a Coordinating Working Committee composed of the following:

A. Committee on Presidential Foreign Travels

The Secretary of Foreign Affairs	–	Chairman
The Secretary of Trade and Industry	–	Co-Chairman
The Executive Secretary	–	Member

In addition, the following shall serve as ex-officio members:

The Press Secretary who shall provide the inputs with respect to all media-related activities and issues.

The Head, Presidential Management Staff who shall provide all the documents relating to the speeches and talking points of the President as well as inputs for press conferences and media interviews.

The Presidential Spokesperson who shall disseminate the official Presidential statements to the media.

The Senior Deputy Executive Secretary who shall provide all the necessary inputs resulting from his role as Chairman of the Coordinating Working Committee.

The Committee shall take charge of formulating the objectives of Presidential foreign trips, provides policy guidance on the various preparatory work and implementing arrangements relating to such trip and conduct post-visit assessment of the trips.

B. Coordinating Working Committee on Overseas Presidential Visit

The Senior Deputy Executive Secretary	–	Chairman
An Undersecretary of Foreign Affairs	–	Vice-Chairman
A representative of the Department of Trade and Industry	–	Member
A representative of the Office of the Press Secretary – Radio Television Malacañang (RTVM)	–	Member

Office of the Deputy Executive Secretary for	
Finance and Administration	– Member
Presidential Management Staff	– Member
Office of the Social Secretary	– Member
Presidential Security Group	– Member
Protocol Office	– Member

This Committee shall be responsible of coordinating the planning and implementation of all the plans, preparations and arrangements for the overseas Presidential visits.

The Department of Foreign Affairs (DFA) shall be the lead agency in coordinating, through its overseas diplomatic and consular posts, all the arrangements in the countries to be visited by the President.

The Department of Trade and Industry (DTI) shall be the lead agency in coordinating the participation of private sector, particularly the accompanying business delegations and the meetings of the President with Business Leaders in the countries to be visited.

The Office of the Press Secretary (OPS) shall be the lead agency in coordinating all media-related activities; including preparation press kits, and the decision for the conduct of press briefings, press conferences, and interviews abroad, in coordination with the Presidential Spokesperson.

The Office of the Executive Secretary (OES) shall be the lead agency in coordinating the physical, substantive, protocular and all other preparations and arrangements for the overseas Presidential visits and in coordinating the participation of all government agencies and instrumentalities, including Congress and the judiciary as well as the Private Sector representatives interested in such visits.

The two committees shall immediately organize and set in motion the preparations for the forthcoming and succeeding Presidential foreign trips under this new set-up.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 23rd day of JUNE, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 74
CONSTITUTING THE MINDANAO RAIL SYSTEM TASK FORCE

WHEREAS, the Mindanao Rail System (MRS) is a “flagship project” and is therefore a priority project under this Administration;

WHEREAS, on 7 October 1998, the Philippine National Railways, the Public Estates Authority and the Southern Philippines Development Authority have been directed, under the overall supervision of the Presidential Committee on Flagship Programs and Projects to undertake the necessary preparatory studies leading to the eventual implementation of the MRS Project; and

WHEREAS, pursuant to the above directive and the terms of reference for the preparation of feasibility studies having been finished, there is a need to strengthen the institutional coordination between and among government agencies involved in the MRS project through the constitution of a Task Force;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. CONSTITUTION OF THE MRS TASK FORCE. There is hereby constituted a Mindanao Rail System Task Force chaired by the Chairman, Presidential Committee on Flagship Programs and Projects (Flagship Committee), and the representatives of the following agencies as members: the Department of Transportation and Communications (DOTC), the Autonomous Region for Muslim Mindanao (ARMM), the Public Estates Authority (PEA), the Philippine National Railways (PNR), the National Economic Development Authority (NEDA), and the Southern Philippines Development Authority (SPDA).

SEC. 2. FUNCTIONS. The MRS Task Force shall act as the clearing house for policy and operational issues affecting the implementation of the MRS Project. The MRS Task Force shall have the following functions:

- a. To review all available plans relating to the establishment of a rail system in Mindanao;
- b. To cause the conduct of a feasibility study on the MRS or portions thereof in order to determine the viability of such project;
- c. To liaise with Congress, local government units, business enterprises, as well as other sectors, who may be affected by the MRS project;
- d. To recommend to the President the mode of implementation of the MRS project, including the process for the selection of the proponent/s who will undertake the project;
- e. To engage, subject to existing rules and regulations, the services of consultants in order to avail of their expertise in the formulation of policies in the implementation of the MRS project;

- f. To call on any government agency for such assistance as may be necessary to facilitate the implementation of the MRS; and
- g. To perform such other functions as may be directed by the President.

SEC. 3. ADMINISTRATIVE SUPPORT/BUDGET. The member agencies of the MRS Task Force shall contribute personnel to constitute the administrative and technical support group of the MRS Task Force. The MRS Task Force shall have an initial operating budget of Ten Million Pesos (P10,000,000) to be taken from the Office of the President. Thereafter, its operating budget shall be included in the budget of the Office of the President.

SEC. 4. REPEALING CLAUSE. All administrative orders, rules, regulations, and other similar issuance, or parts thereof, which are inconsistent herewith are hereby repealed or modified accordingly.

SEC. 5. EFFECTIVITY. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 28th day of JUNE, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 75
CONSTITUTING THE IWAHIG PRISON AND PENAL FARM JOINT WORKING COMMITTEE

WHEREAS, it is government's policy to ensure that the implementation of development programs and projects is undertaken in a coordinated manner to provide maximum benefits to our people;

WHEREAS, the implementation of the development plan of the Iwahig Prison and Penal Farm has been delayed for some time, and it is necessary that it be resumed so that its benefits can be enjoyed by the people in the area;

WHEREAS, one of the dormant resources of the province is the sprawling 34,200 hectares Iwahig Penal Colony reservation, which can be harnessed into a dynamic and productive growth center;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

Section 1. CONSTITUTING THE IWAHIG PRISON AND PENAL FARM JOINT WORKING COMMITTEE. There is hereby constituted an Iwahig Prison and Penal Farm Joint Working Committee, to oversee the implementation of the development plan of Iwahig.

Section 2. COMPOSITION. The Chairman of the Presidential Committee on Flagship Programs and Projects shall chair the Committee. Its members shall include heads/representatives from the following government agencies: City Government of Puerto Princesa (CGPP), Southern Philippines Council for Peace and Development (SPCPD) and Department of Justice (DOJ). The CGPP shall act as the Secretariat of the Committee. The Committee may call on any department, bureau, office and instrumentality of the Government for appropriate assistance.

The member agencies shall perform their respective activities as part of their regular and relevant functions without additional compensation for their designated representatives.

Section 3. FUNCTIONS. The Iwahig Prison and Penal Farm Joint Working Committee shall have, among others, the following functions:

- a. Implement a multi-agency development program to promote the development of the area;
- b. Orchestrate the identification, implementation and monitoring of special economic and social development projects in the area;
- c. Pool, manage, and coordinate government resources and immediately implement identified priority economic and social development projects and programs in the area.
- d. Submit regular accomplishments reports to the President; and
- e. Perform such other tasks as may be assigned by the President.

Section 4. REPEALING CLAUSE. All Administrative Orders, rules, regulations and other similar issuances, or parts thereof, which are inconsistent herewith are hereby repealed or modified accordingly.

Section 5. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, Philippines, this 05th day of JULY, in the Year of Our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 76

CREATING THE NATIONAL ORGANIZING COMMITTEE FOR THE 1999 INFORMAL
SUMMIT OF THE ASSOCIATION OF SOUTHEAST ASIAN COUNTRIES (ASEAN) AND ITS
RELATED MEETINGS, PRESCRIBING ITS AUTHORITY AND FUNCTIONS

WHEREAS, the Philippines has committed to promote peace and prosperity in Southeast Asia by maintaining and strengthening its relations with the member-countries of ASEAN;

WHEREAS, the Philippines has made ASEAN the cornerstone of its foreign policy;

WHEREAS, the Philippines will host, in 1999, the Third ASEAN Informal Summit and its related meetings;

WHEREAS, there is a need to constitute a national committee to organize and supervise all activities related to the hosting of the said meetings;

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Organization – A National Organizing Committee (ASEAN-NOC) is hereby constituted to organize the hosting of the Third ASEAN Informal Summit.

SECTION 2. Composition – The NOC shall be composed of the designated representatives of the following:

Secretary of Foreign Affairs	– Chairman
Executive Secretary	– Co-Chairman
Secretary of Trade and Industry	– Member
Secretary of Finance	– Member
Secretary of National Defense	– Member
Secretary of Interior and Local Government	– Member
Secretary of Transportation and Communication	– Member
Secretary of Tourism	– Member
Secretary of Public Works and Highways	– Member
Secretary of Budget and Management	– Member
Press Secretary	– Member
Chief of Presidential Protocol	– Member
Governor of the Bangko Sentral ng Pilipinas	– Member
Chairman, Metro Manila Development Authority	– Member

SECTION 3. Authority and Functions – The ASEAN-NOC shall have the following authority and functions:

- 2.1 Formulate and recommend a Work Program to the President within ninety (90) days from the signing of this Administrative Order;
- 2.2 Implement the work plan once approved by the President and supervise and monitor all activities in relation thereto;
- 2.3 Call upon any official, agent, employee, agency or instrumentality of the national or local government for any assistance that may be necessary to carry out the purposes of this Administrative Order;
- 2.4 Negotiate and conclude agreements and contracts necessary for the attainment of the objectives of this Administrative Order, including contracts for services;
- 2.5 Create a Secretariat to be headed by a Secretary-General and assisted by Deputy Secretaries-General as deemed appropriate. The Secretariat shall be composed of sub-committees, task forces and other appropriate bodies as deemed necessary.

SECTION 3. Office – The ASEAN-NOC shall hold office at the Department of Foreign Affairs in an appropriate office to be provided by the Department.

SECTION 4. Coordination with PCAAAC – The ASEAN-NOC shall coordinate with the Philippine Council on ASEAN, APEC, ASEM Cooperation (PCAAAC) which shall continue to be responsible for formulating the Philippine position in substantive issues related to ASEAN.

SECTION 5. Funding – Funding for the operating expenses of the ASEAN-NOC amounting to two million pesos (P2,000,000) shall be drawn from the International Commitments Fund.

SECTION 6. Administrative Guidelines/Order – The ASEAN-NOC shall adopt such administrative guidelines or orders as may be necessary to achieve the objectives of this Administrative Order.

SECTION 7. Effectivity – This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 20th day of July, in the year of our Lord, nineteen hundred and ninety-nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**
President of the Republic of the Philippines

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 77

**DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF PROGRAMS AND
ACTIVITIES TO CELEBRATE THE ADVENT OF THE NEW MILLENNIUM AND CREATING A
NATIONAL ORGANIZING COMMITTEE TO PREPARE FOR THE CELEBRATION**

WHEREAS, the advent of the new millennium in the year 2000 has generated global preparatory celebrations;

WHEREAS, the Philippines has deemed it proper to mark this event by undertaking thematic activities and programs which will highlight the Estrada Administration's vision for the nation;

WHEREAS, the Estrada Administration has given priority to the modernization of agriculture by transforming the agriculture sector into a dynamic, technologically advanced and globally competitive sector to realize its goals to attain food security and eradicate rural poverty;

WHEREAS, the advent of the new millennium will provide new avenues to further harness the potentials of science and technology towards the attainment of our vision;

WHEREAS, the activities to mark the advent of the new millennium will focus international recognition and goodwill to the country;

WHEREAS, there is a need to ensure a coordinated and synchronized nationwide celebration of the advent of the new millennium among government agencies and the private sector;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Creation of a National Organizing Committee. There is hereby created a National Organizing Committee (NOC), hereinafter referred to as the NOC to take charge in the organization and implementation of programs and activities to celebrate the advent of the new millennium.

SECTION 2. Composition. The NOC shall be chaired by the Secretary, Department of Agriculture and co-chaired by the Secretary of Trade and Industry and the Secretary of Science and Technology. The NOC shall identify and recommend to the President other government sector representatives and three (3) private sector representatives as members to be designated or appointed by the President.

SECTION 3. Functions. The NOC shall have the following functions:

- (a) Initiate and take the lead in the implementation of programs and activities for the celebration of the advent of the new millennium;
- (b) Formulate a comprehensive preparatory plan for the nationwide celebration of the advent of the new millennium starting on 31 December 1999, including consolidation of all millennium-related projects of the government and the private sector;
- (c) Coordinate with all sectors concerned in the implementation of the same;

- (d) Create technical working groups and designate their respective members thereof from both the private and government sectors, as may be necessary to ensure the success of the celebration; and
- (e) Perform such other functions as may be deemed necessary to carry out the objectives of the NOC.

SECTION 4. Staff Support. The Department of Agriculture shall provide technical and secretariat support to the NOC.

SECTION 5. Institutional Support. The NOC Chairperson and Co-Chairperson are hereby authorized to call upon any department, bureau, office or instrumentality of the government, including government-owned and controlled corporations to extend all necessary assistance to the NOC and its working committees.

SECTION 6. Funding. The Secretary of the Department of Budget and Management (DBM) is hereby directed to allocate the amount of Ten Million Pesos (P10,000,000.00) to be sourced from available sources to support this activity and release said amount to the Department of Agriculture subject to the submission of the Work and Financial Plan of the NOC to the DBM.

Concerned agencies are hereby authorized to allocate from their respective funds any amount which they may deem necessary to defray the expenditures that may be incurred from participation in this celebration, subject to the usual accounting and auditing rules and regulations.

SECTION 7. Submission of Reports. The NOC shall submit monthly reports to the Office of the President and a terminal report one month after the last activity thereof.

SECTION 8. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 22nd day of July, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 78
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH
FORFEITURE OF BENEFITS ON ATTY. MANUEL L. ALMARIO,
REGISTER OF DEEDS OF OCCIDENTAL MINDORO

This refers to Administrative Case No. 95-8 against Atty. Manuel L. Almario, Register of Deeds of Occidental Mindoro (now, resigned) for grave misconduct.

The case stemmed from the complaint-affidavit dated July 5, 1995, of Rodolfo A. Plopinio, Assistant General Manager of Jopson Livestock Integrated Resources, Inc. (JALIRI, for short), alleging that action on certain documents presented in the Registry of Deeds of Occidental Mindoro has been unreasonably delayed owing to JALIRI's refusal to accede to the demands of Almario and his subordinate for "grease money" to facilitate the processing of the three (3) Deeds of Sale JALIRI submitted for registration. In the same affidavit, complainant alleged having requested the National Bureau of Investigation (NBI)–Special Task Force to conduct an entrapment operation against Almario et al.

On July 11, 1995, the NBI carried out the entrapment operation. Official NBI report disclosed that complainant, under the pretense of having voluntarily acceded to the demands, handed an envelope containing P4,000.00 (four P1,000 bills) marked money to respondent who then counted the money and placed it inside the center drawer of his table. Whereupon, complainant went out of the office and signaled the NBI agents, who immediately entered, seized and detained Almario and one Guillermo Contura. After conducting routine examination, Almario was found positive for fluorescent specks and smudges on his fingers. Accordingly, he was arrested for bribery and the corresponding administrative charges filed against him.

As complainant alleged in his affidavit, the processing of nine (9) titles submitted by JALIRI for transfer to its subdivision lot buyers in the latter part of 1994 took three months and that the release of the titles was purposely delayed because the complainant did not accede to the demand of respondent to shell out P4,000.00 as grease money to expedite the signing and release thereof. Subsequently, or on May 17, 1995, complainant submitted another three (3) titles for processing, but no action was done up to the date of the entrapment on July 11, 1995.

For his part, respondent maintained that the entrapment was motivated by malice, vengeance or personal ill-will; that his act of receiving the money does not constitute grave misconduct because it was done out of generosity "to accommodate Mr. Plopinio", giving as his reasons: (1) the cashier was no longer around at the time the money was given to him, and (2) Mr. Plopinio was in hurry to leave because his wife was to give birth. He denied the claim of deliberate delay in the processing of complainant's documents. According to him, the registration would not have been possible because the requirements had not been complied with – the transfer taxes for the three Deeds of Sale having been paid only on July 31, 1995. To support his claim, he submitted (1) an affidavit dated July 24, 1995, executed by Ms. Wilma Bernardo, Cashier of said Registry, stating that she was requested by respondent to compute the taxes to be paid by JALIRI; and (2) a letter dated July 10, 1995, addressed

to complainant, informing him that the registration of the documents submitted for registration is denied after having been found to contain deficiencies.

However, in the Land Registration Administration (LRA) investigator's report dated January 13, 1997, it was shown that no action whatsoever was made on the papers of JALIRI from the time the same were presented to the Registry on May 17, 1995 up to the date of the entrapment operation on July 11, 1995, which thereby suggests that the processing of the three (3) deeds of sale of JALIRI submitted for registration was purposely delayed to exact grease money from the complainant. Moreover, the following subsequent factual events tend to confirm respondent's culpability: (1) On May 15, 1997, he tendered his resignation as Register of Deeds which was approved by then LRA Administrator Reynaldo Y. Maulit; (2) On June 5, 1997, the Regional Trial Court (Branch 44) at Mamburao, Occidental Mindoro, issued a decision in Criminal Case No. Z-875, finding accused Atty. Manuel L. Almario guilty beyond reasonable doubt of the crime of direct bribery under paragraph 2 of Article 220 of the Revised Penal Code; and (3) On July 16, 1998, the LRA Administrator (Alfredo R. Enriquez) issued a decision, disposing of the administrative case against Cortuna, finding him (Cortuna) guilty of grave misconduct for which he was meted the penalty of dismissal from the service with forfeiture of benefits.

After review of the aforementioned administrative case against respondent, the Justice Secretary found him liable for grave misconduct and recommended that he be dismissed from the service with forfeiture of benefits.

The recommendation is well taken, considering the following apt observations of the Secretary of Justice, thus:

“It is axiomatic in the law on registration that if the document is registrable, it should be given due course; otherwise, the registrant should be notified in writing setting forth the defects of the instrument or legal grounds relied upon and advising him that if he is not agreeable to the ruling, he may without withdrawing the documents elevate the matter en consulta to the Authority (Section 117, P.D. 1529). Respondent's claim therefore that he did not act on the papers of JALIRI – from 17 May 1995 when the documents were presented up to 11 July 1995 when the entrapment was conducted – because complainant has not completed the requirements for registration is without merit. Besides, the motive/intention for the delay which was to extract grease money was established during the entrapment when respondent accepted the marked money.”

WHEREFORE, all the foregoing considered, respondent Manuel L. Almario is hereby found guilty of grave misconduct and the penalty of dismissal with forfeiture of whatever benefits to which he may be entitled is hereby **IMPOSED**.

Done in the City of Manila, Philippines, this 27th day of July, in the year of Our Lord nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 79
RECOGNIZING THE ESTABLISHMENT OF THE INTER-AGENCY ANTI-GRAFT
COORDINATING COUNCIL AND DIRECTING GOVERNMENT AGENCIES
TO EXTEND SUPPORT AND ASSISTANCE TO IT

WHEREAS, this administration is committed to fight graft and corruption in all fronts of government;

WHEREAS, the existence and prevalence of venalities in government have impinged on its efficient, economical, and effective operations;

WHEREAS, the current outstanding performance of the Philippine economy can be further enhanced if all resources of Government are managed, expended, and utilized in accordance with laws and regulations, and safeguarded against loss or wastage through illegal or improper disposition;

WHEREAS, in the fight against graft and corruption in government, the Commission on Audit (COA), Civil Service Commission (CSC), Office of the Ombudsman (OMB), Department of Justice (DOJ), National Bureau of Investigation (NBI), and Presidential Commission Against Graft and Corruption (PCAGC) have taken the initiative to bind themselves to set up the Inter-Agency Anti-Graft Coordinating Council and to formulate and develop concerted techniques and strategies in the prevention, detection, investigation and prosecution of graft cases;

WHEREAS, to be more effective in the fight against graft and corruption, there is a need to mobilize the entire government bureaucracy to support, enhance and strengthen the operations and programs of the Council;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby recognize the establishment of the INTER-AGENCY ANTI-GRAFT COORDINATING COUNCIL that is sworn to fight graft and corruption in government, and to ensure its success and effectiveness, I urge all government agencies to extend full support and assistance to the Council, and its member agencies, particularly in the implementation of their programs and projects as well as in the prevention, detection, investigation, and prosecution of graft cases, with the end in view of promoting a more efficient, economical, and effective government.

For this purpose, the amount of FIVE MILLION (P5,000,000.00) PESOS, to be taken from the Social Fund of the Office of the President, shall be made available to the Inter-Agency Anti-Graft Coordinating Council upon submission of its special budget. For the succeeding years, each agency shall include in its budget a certain amount in support of the Council's activities.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 28th day of July, in the year of our Lord, nineteen hundred and ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 80

IMPOSING THE PENALTIES OF DISMISSAL FROM THE SERVICE ON REGIONAL DIRECTOR DIAMAR P. KADON, DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, REGION X, AND DISQUALIFICATION FROM RE-EMPLOYMENT IN THE GOVERNMENT SERVICE AND FORFEITURE OF ALL FINANCIAL BENEFITS ON DIAMAR P. KADON AND MAKIL U. PUNDAODAYA, FORMER DIRECTOR OF DECS REGION XII

This refers to the Audit Report submitted by the Commission on Audit to the Presidential Commission Against Graft and Corruption (PCAGC) and the action taken by the said Commission with respect to respondents Director Makil U. Pundaodaya and Director Diamar P. Kadon.

The facts of the case are as follows:

A certain Eugenio G. Fernandez, Director IV of Regional Office XII (Cotabato City), Commission on Audit (COA), submitted to COA Chairman Celso D. Gangan, two (2) Audit Reports complete with the annexes thereof, on the operations of Region XII, Department of Education, Culture and Sports (DECS).

One of the said reports dealt with the procurement of graders' desks for the period from January 1, 1992 to September 30, 1993 in the amount of P5,268,610.00.

On August 11, 1994, Chairman Gangan forwarded to the PCAGC, for appropriate action, the Audit Report on the procurement of graders' desks.

After due hearing, the Commission found that:

"A number of officials and employees of the Department of Education, Culture and Sports (DECS) participated in the transaction by acting on, signing and approving the alleged anomalous transactions. However, this Commission can only take jurisdiction over the case of respondents Directors Makil U. Pundaodaya and Diamar P. Kadon, they being the only presidential appointees. (Sec. 4(a) of Executive Order No. 151, as amended)

"On August 29, 1995 while the case was pending, respondent Director Makil U. Pundaodaya retired from the service (p. 652, Records).

"The only issue to be resolved is: Whether or not herein respondents can be held administratively responsible for the shortage and/or unaccounted deliveries of graders' desks.

"The evidence disclosed that the short deliveries occurred in three (3) school division offices, as follows:

"For calendar years 1992 and 1993, a total of 10,035 pieces of graders' desks valued at P5,303,635.00 was purchased by the DECS Regional Office.

**“A. Iligan City School Division – 1,823
pieces of graders’ desks were unaccounted
for with a total cost of
P936,610.00”**

“After verification of the paid vouchers including the memorandum receipts thus issued, confirmation letters were sent to the recipient schools within the said division. Of the seventy two (72) confirmation letters sent, fifty six (56) responded and out of the said 56, twenty eight (28) of the recipient schools were actually inspected and the memorandum receipts thereof verified by the team.

“It was disclosed that per memorandum receipts issued, a total of 6,558 pieces of graders’ desks were delivered and received by the school. However, upon ocular inspection and actual physical count only 4,735 pieces were found leaving 1,823 pieces unaccounted for valued at P936,610.00

“Furthermore, the special audit team noted the following management deficiencies, to wit: (a) The distribution scheme adopted by the DECS Regional Office in the case of Iligan City area was a ‘door-to-door’ delivery; (b) it was not well coordinated leaving the City School Superintendent unaware of the actual number of desks being distributed thereby denying him the right to determine which schools were in urgent need of desks based on the enrollment and available facilities of the newly constructed school buildings; and (c) the desks delivered were of poor or substandard quality.

“Respondent Pundaodaya was found to have signed/approved Box C of Voucher No. 93082954 and Box C of Voucher No. 92124698.

**“B. Marawi City School Division – 2,051
pieces unaccounted for with a total
cost of P1,025,500.00”**

“From paid disbursement vouchers verified by the team, it was disclosed that for calendar year 1992 and 1993, the DECS Regional office purchased for distribution to Marawi City School Division 7,102 pieces of graders’ desks.

“A total of 7,102 pieces of graders’ desks were paid for. However, as per letter dated November 11, 1993 and the Statement of Receipts prepared and certified by Marawi City Schools Division Supply Officer, only 5,051 pieces were actually received for CY 1992 and 1993. A schedule of Graders’ Desks Procurement for the period from January 1, 1992 to August 31, 1993 submitted by Mr. Ottawa Magang, COA State Auditor II, Unit Auditor of the Division showed the same number of graders’ desks – 5,051 pieces as having been procured. Likewise, a Statement of Procured Desks for CY 1992 certified correct by DECS Regional Office Supply Officer Rogelio delos Reyes showed that only 2,051 pieces were distributed and received by Marawi City Schools Division for that year. For CY 1993, a similar statement certified correct by Supply Officer Rogelio delos Reyes indicated that only 3,000 pieces were distributed and received by Marawi City Schools Division for a total of only 5,051 for CY 1992 and 1993, which tallies with the Statement of Receipt by Macapanton and Auditor Magarang. The

2,051 pieces paid under Voucher No. 92093173 could not be accounted for, as this figure did not appear in any of the three (3) Statements of Pronouncements, Distribution and Receipt of graders' desks.

"Respondent Director Diamar P. Kadon signed/approved Voucher Nos. 92093378 and 920931173 (p.94, Records).

**"C. Sultan Kudarat Schools Division – 6,613 pieces
unaccounted for valued at P3,306,500.00**

"Verification of disbursement vouchers in payment for the graders' desks for distribution to Sultan Kudarat Schools Division for CY 1992 and 1993 disclosed that the DECS Regional Office purchased a total of 13,885 pieces of graders' desks.

"Per Certification of Validation and Inspection signed by Sabandiya A. Balabagan, Schools Division Superintendent and the Schedule of Graders' Desks Procurement submitted by the Division Administrative Officer, only a total of 7,272 pieces were received as of November 8, 1993, disclosing a shortage of 6,613 pieces valued at P3,306,500.00.

"Of the 6,613 pieces considered as shortage, 4,914 were identified or traced as those paid under Disbursement Voucher No. 92031124 and 92041526 dated March 23, 1992 and April 22, 1992, respectively, the supplier of which was Business International Wood Products in both cases, and 1,699 pieces were identified as those under Disbursement Voucher No. 92124700 dated December 14, 1992, the supplier of which was Nino Wood products.

"It was established by the Special Audit Team that shortages in the deliveries occurred in the transactions of CY 1992 as shown by the verification of the Memorandum Receipts conducted with the cooperation of the Schools Division Officials and the Resident Auditor.

"Aside from the team's findings of shortage in the deliveries of graders' desks, it was also found that the quality of the graders' desks is poor- the lumber used was not seasoned, not properly cleaned or plained thereby resulting in the rough appearance of the chairs. And some of the desks were already broken or destroyed.

"Respondent Kadon signed/approved Voucher Nos. 92031124 and 92041526, while respondent Makil U. Pundaodaya signed/approved Voucher no. 92124700 (p. 283, Records).

"Thus it was indubitably shown that in accordance with the evidence presented shortages in the delivery of graders' desks occurred in three (3) school divisions – Iligan City Schools Division, Marawi City Schools Division and Sultan Kudarat Schools Division contrary to Sections 2 and 102 of Presidential Decree No. 1445 in relation to Section 3(g) of Republic Act 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

"Section 2 and 102 of Presidential Decree No. 1445 read as follows:

"Section 2. Declaration of Policy. – It is the declared policy of the State that all resources of the government shall be managed, expended or utilized in

accordance with law and regulations, and safeguarded against loss or wastage through illegal or improper disposition, with a view to ensuring efficiency, economy and effectiveness in the operations of government. The responsibility to take care that such policy is faithfully adhered to rests directly with the chief or head of the government agency concerned.”

“Section 102. Primary and secondary responsibility. –(1) The head of any agency of the government is immediately and primarily responsible for all government funds and property pertaining to his agency.

“(2) Persons entrusted with the possession or custody of the funds or property under the agency head shall be immediately responsible to him, without prejudice to the liability of either party to the government.”

And Section 3(g) of Republic Act 3019, as amended, reads as follows:

“Sec. 3. Corrupt practices of public officers.– In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

“(a) xxx xxx

“(b)

“(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.”

“Respondents Director Makil U. Pundaodaya and Director Damar P. Kadon, Region XII of the Department of Education, Culture and Sports (DECS) for having signed and approved disbursement vouchers for undelivered graders’ desks and their failure to ascertain the delivery of said materials/equipment, they are guilty of Gross Neglect of Duty, the penalty for the first offense of which is dismissal from the service.

“However, the case as against respondent Makil Pundaodaya, has been overtaken by his retirement from the government service on August 29, 1995. Considering that the purpose of an administrative investigation of officers and employees of the government is, if found guilty, the imposition of administrative sanctions or penalties such as suspension or dismissal from the service, the purpose is no longer attainable. Hence, it is said that the case has become moot.

“A case is considered as presenting a moot question where a judgment thereon cannot have any practical legal effect or, in the nature of things, cannot be enforced (*Mitre vs. Tan Torres*, 52 OG 266).

“WHEREFORE, PREMISES CONSIDERED, this Commission finds respondents Director Makil U. Pundaodaya and Director Damar P. Kadon of Region XII of the Department of Education, Culture and Sports (DECS) GUILTY of Gross Neglect of Duty and so recommends the imposition of the following penalties, to wit:

- (a) As against respondent Pundaodaya, the case against him be ordered dismissed for being moot without prejudice to the imposition of the accessory penalties of prohibition from re-employment in the government service and forfeiture of all his financial benefits; and
 - (b) As against respondent Kadon, the imposition of the penalty of dismissal from the service, together with the accessory penalties of prohibition from re-employment in the government service and forfeiture of all his financial benefits.
- “SO RESOLVED.”

The findings and conclusions of the PCAGC, supported as they are by substantive evidence on record commend themselves for concurrence.

WHEREFORE, in view of the foregoing and as recommended by the Presidential Commission Against Graft and Corruption, respondents Director Makil U. Pundaodaya and Director Damar P. Kadon of Region XII (Cotabato City), Department of Education, Culture and Sports are hereby found GUILTY of Gross Neglect of Duty. Considering that respondent Pundaodaya is no longer in the government service since August 29, 1995, the accessory penalties of disqualification from re-employment in the government service and the forfeiture of all his financial benefits are hereby imposed. As against respondent Kadon, who is now the Regional Director of the Department of Education, Culture and Sports, Region X, he is hereby ordered DISMISSED from the service together with the accessory penalties of disqualification from re-employment in the government and forfeiture of all his financial benefits.

Done in the City of Manila, this 31st day of July, in the year of Our Lord Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 81
AMENDING ADMINISTRATIVE ORDER NO. 15 DATED AUGUST 27, 1998 “RENAMING THE
ECONOMIC MOBILIZATION TASK FORCE AS THE ECONOMIC MOBILIZATION GROUP”
BY EXPANDING ITS MEMBERSHIP AND FOR OTHER PURPOSES

WHEREAS, the Economic Mobilization Group was created to enhance coordination among the key economic players and expedite the implementation of measures to stabilize and sustain the economy’s growth;

WHEREAS, the Economic Mobilization Group has demonstrated its effectiveness in addressing the economic problems brought about by the Asian financial crisis;

WHEREAS, there is a need to further enhance coordination of government and private sector action on economic and industry issues, and the timeliness thereof.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby amend Administrative Order No. 15 dated 27 August 1998 and order the following:

SECTION 1. Expansion of Membership in the Economic Mobilization Group. Membership in the Economic Mobilization Group is hereby expanded to include the following:

1.1. From the Government Sector:

- a. Secretary of Environment and Natural Resources
- b. Secretary of Foreign Affairs
- c. Secretary of Justice
- d. Secretary of Tourism
- e. Secretary of Transportation and Communications

1.2. From the private sector, a representative from the agriculture and fisheries sectors.

Sec. 2. EMG Membership. Section 2 of A.O. No. 15 is hereby revised to include the new members identified in Section 1 hereof:

- 2.1. Representatives from the labor sector shall be recommended by the Secretary of Labor while the representative from the agriculture and fisheries sectors shall be recommended by the Secretary of Agriculture.
- 2.2. The EMG may invite other officials from the Executive and the Legislative branches as resource persons.

Sec. 3. Account Officers. The EMG, with the expressed consent of the concerned Secretary and with due regard to existing mechanisms, may appoint Account Officers who shall be responsible for shepherding identified key concerns through the bureaucratic process for immediate action and resolution. These identified key concerns may be for: a) selected industries; b) special projects; and c) “hot” issues. The specific functions of these account officers shall be drawn up by the EMG-Technical Working Group for approval by the EMG.

Sec. 4. Repealing Clause. All issuances, orders, rules, regulations or parts thereof which are inconsistent with the provisions of this Administrative Order is hereby repealed or modified accordingly.

Sec. 5. Effectivity. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, on this 31st day of JULY, in the year of our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 82

CREATING A TASK FORCE TO TAKE CHARGE OF THE HOSTING OF THE 3RD MEETING OF THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) SCIENCE AND TECHNOLOGY INDUSTRIAL PARKS NETWORK, PRESCRIBING ITS POWERS AND FUNCTIONS, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

WHEREAS, the Philippines recognizes the significant contribution of Science and Technology Parks to the overall national effort for sustainable economic development;

WHEREAS, Science and Technology Parks facilitate the commercialization of technology and provide a nurturing ground for new enterprises and projects;

WHEREAS, the convening of meetings is a continuing initiative on the part of APEC to accelerate the promotion of all small and medium enterprises and the transfer of technologies among its member economies;

WHEREAS, the Philippines has agreed to host the 3rd Meeting of APEC Science and Technology Industrial Parks, herein referred to as the STIPs, scheduled on 25-27 October 1999.

WHEREAS, the Meeting will be participated in by experts in the fields of science and technology in consonance with the Trade and Investment Liberalization and Facilitation (TILF) agenda of APEC, particularly in the growth of small and medium enterprises, developing human capital, harnessing technology of the future and promoting sustainable growth and development;

WHEREAS, it is imperative that a body be created to coordinate, prepare for and manage the holding of the said meeting.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines by virtue of the power vested in me by law, do hereby order that:

SECTION 1. CREATION – There is hereby created a Task Force, herein referred to as the TF, to be composed of the following:

Department of Science and Technology (DOST)	– Chairman
Department of Foreign Affairs (DFA)	– Member
Department of Trade and Industry (DTI)	– Member
Department of Interior and Local Government (DILG)	– Member
Department of Tourism (DOT)	– Member
Philippine Information Agency (PIA)	– Member
Manila International Airport Authority (MIAA)	– Member
Bases Conversion Development Authority (BCDA)	– Member
One (1) Representative from the Academe Prof. Fortunato T. De La Pena	– Member
One (1) Representative from NGO Dr. Ceferino L. Follusco	– Member

The member agencies of the TF shall designate their permanent representatives to the TF. The permanent representative shall hold the rank of a Director or an Assistant Director.

In pursuit of its objective and subject to existing laws, the TF shall have the following authority and functions:

- 1.1 Formulate the design of the meeting and coordinate all the substantive preparations needed;
- 1.2 Negotiate and conclude agreements and contracts necessary for attainment of the objectives of this Administrative Order, including contracts for services, taking into consideration what is most advantageous to the government.

SEC. 2. STEERING COMMITTEE – A Steering Committee is hereby created to assist the TF in the pursuit of its objectives. The Steering Committee shall be headed by the Focal Point for the Philippines for the APEC Industrial Science and Technology Working Group (ISTWG) with following Sub-Committees memberships:

Finance Committee	–	DOST-CO
Substantive Committee	–	DOST-CO
Program/Invitation	–	TAPI/DOST
Food/Accommodation	–	TAPI/DOST
Media/Publication	–	STII/DOST

SEC. 3. SECRETARIAT – A Secretariat shall be formed to assist the TF and the Steering Committee in carrying out their functions prior to and during the conduct of the meeting. The secretariat shall be based at the Technology Application and Promotion Institute (TAPI), DOST. The Secretariat may call on other member agencies of the TF for assistance.

SEC. 4. FUNDING – The amount necessary for the operational requirements of the TF, Steering Committee, Secretariat and Sub-Committees and the meeting itself shall be charged against the CY 1999 International Commitments Fund for Hosting of International Conferences/Meetings amounting to **THREE MILLION TWO HUNDRED THOUSAND PESOS (P3,200,000.00)**. The DBM shall release such funds to DOST upon endorsement of the DFA.

SEC. 5. EFFECTIVITY – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 10th day of August, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 83
IMPOSING THE PENALTY OF SUSPENSION FOR THREE (3) MONTHS WITHOUT PAY ON
ASSISTANT PROSECUTOR AURELIO H. CASTILLO OF THE PROVINCIAL PROSECUTION
OFFICE OF RIZAL, LAS PIÑAS SUB-OFFICE.

This is an administrative case against Assistant Provincial Prosecutor Aurelio H. Castillo, Office of the Provincial Prosecutor of Rizal, Las Piñas Sub-Office, for inefficiency and incompetence in the performance of official duty.

The formal charge arose from respondent Castillo's taking cognizance of a complaint lodged against spouses Danilo and Milan Rose Bajador for falsification of public document and thereafter causing the filing of two (2) separate informations, one in the Regional Trial Court (RTC) and, the other, in the Metropolitan Trial Court (MTC), both of Las Piñas, Metro Manila. Claiming to have been prejudiced by respondent Castillo's actuations, Mrs. Bajador instituted the instant administrative complaint.

On May 14, 1998, respondent, as required by the Secretary of Justice, submitted his answer to complaint, therein stating that he was waiving his right to a formal investigation.

From the complaint and the answer and their respective annexes, I gather the following facts:

On April 19, 1996, a criminal complaint for estafa thru falsification of public document was filed against the Bajador spouses by Milagros D. Mandras, docketed as I.S. No. LP 96-531. In support of her complaint, Ms. Mandras adduced in evidence two (2) deeds of donation dated June 14, 1995 and June 20, 1995.

After the preliminary investigation, respondent Castillo, as prosecuting officer, rendered a resolution dated July 10, 1996, dismissing the charge of estafa, it being his finding that the deed of donation dated June 14, 1995 was genuine. He, however, found a probable cause to indict spouses Bajador for falsification of public document with respect to the deed of donation dated June 20, 1995, which on its face was executed and notarized in the City of Manila. On August 7, 1996, respondent filed the corresponding information with the RTC of Las Piñas, Metro Manila, Branch 225, where the case was docketed as Criminal Case No. 96-0340. Subsequently, he filed a "Motion to Withdraw Information", therein stating that, considering the nature of, and the imposable penalty for, the offense charged, the case falls within the jurisdiction of the MTC of Las Piñas. Without awaiting, however, the RTC's resolution on his motion to withdraw, respondent, on September 3, 1996, filed with the MTC of Las Piñas an information for falsification of public document, docketed thereat as Crim. Case No. 29055.

Subsequently, or on September 16, 1996 to be precise, RTC Judge Florentino Alumbres, acting on the said motion to withdraw information filed *vis-a-vis* Crim. Case No. 96-0340, issued an order granting the motion, at the same time directing that the case be remanded to the MTC of Las Piñas, Branch 79. The information that was remanded to the MTC was docketed as Criminal Case No. 29201. As things thus stood, the spouses Bajador were made to contend with two (2) separate criminal charges arising from the same transaction, not to mention of their being required to twice post

a cash bond of P6,000.00 each for their provisional liberty. It was only on December 5, 1996 when the MTC of Las Piñas, Branch 79, noting the case duplication, ordered the withdrawal/dismissal of Crim. Case No. 29201.

It is Mrs. Bajador's posture that respondent Castillo should not have taken cognizance of the offense of falsification of public document, alleging that all the essential elements of the crime took place in the City of Manila. As she argued, the document in question was a deed of donation dated June 20, 1995 executed in that city.

In defense, respondent Castillo avers that the error he committed was rectified by his filing with the RTC of a motion to withdraw information, *supra*, and the filing of a new information with the MTC before this motion was acted upon by the former court. He further averred that the said error was due to the voluminous work in his office, and that the same was an honest and excusable mistake, it being his belief that once the RTC grants the motion to withdraw information, the records of the case will be remanded to the Department of Justice and not to the MTC. Moving on, he also claims that his filing of the information in the court of Las Piñas relative to the deed of donation dated June 20, 1995 is justified by the fact that the deed was presented to the Office of the Register of Deeds of Las Piñas for registration.

Respondent's defense may be accorded some merit, but for a nagging reality. I refer to the fact that the purportedly falsified deed of donation dated June 20, 1995 was executed and notarized in the City of Manila. Thus, the act of falsification, if this be the case, was consummated in the said city. Any improper or illegal use of said deed in Las Piñas is of no moment. In this regard, respondent Castillo, through sheer incompetence, failed to observe the rule that the authority of his office to conduct preliminary investigation is confined only to crimes cognizable by the proper court within his territorial jurisdiction (Rule 112, Section 2, New Rules of Court), and that criminal action shall be instituted and tried in the court of the municipality or city where the offense was committed or any of its essential ingredients took place (Rule 110, Section 15(a), *Ibid*). Additionally, in his taking cognizance of the falsification case and the subsequent filing of the information in the courts of Las Piñas, respondent patently displayed his ignorance of the basic rules on criminal procedure. His incompetency is further shown by the fact that he initially filed the information for falsification before the RTC of Las Piñas which has no jurisdiction over the nature of the offense.

Respondent's invocation of good faith, in defense, cannot be accepted. For, it is basic, almost elementary, that the authority of city or provincial prosecutors to conduct preliminary investigation is limited to offenses committed within their respective territorial jurisdictions. The spouses Bajador could have been spared a lot of inconvenience and expense if respondent had been a little more circumspect in the performance of his functions. Had he bothered to examine more closely the document which the Bajador spouses supposedly falsified, he would have discovered that the same could not be the basis for prosecution for falsification in Las Piñas. As it were, respondent fell short of the degree of professionalism ordinarily expected of prosecutors.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant Provincial Prosecutor Aurelio H. Castillo of the Office of the Provincial Prosecutor, Las Piñas Sub-Office, is hereby suspended for a period of three (3) months without pay for inefficiency and incompetence in the performance of duty, effective upon his receipt hereof.

Done in the City of Manila, this 28th day of August, in the year of our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 84
IMPOSING THE PENALTY OF SIX (6) MONTHS SUSPENSION WITHOUT PAY ON
EUGENIO E. UNICA, REGISTER OF DEEDS OF ANTIQUE.

This is an administrative case against Atty. Eugenio E. Unica, Register of Deeds of Antique, for Grave Misconduct.

The case stemmed from the reconstitution of Transfer Certificate of Title (TCT) No. 1057, now TCT No. (1057) RT-738, in the name of Ireneo Grafil and Salvacion Escarlan.

The complaint against respondent states:

“On November 26, 1975, you made it appear that you *motu proprio* reconstituted administratively, pursuant to Sec. 1 of R.A. No. 26, the original of TCT No. 1057 in the name of Ireneo Grafil and Salvacion Escarlan, for which you issued TCT (1057) RT-738 in lieu of the lost original. There appears, however, no petition or deed or other voluntary instrument presented in the registry which necessitated the reconstitution of the said title on said date or earlier, in violation of the provisions of GLRO Circular No. 17, which clearly provides:

x x x x x x x x x

“Further verification disclosed that on September 15, 1986 you cancelled TCT No. (1057) RT-738 and issued, in lieu thereof, TCT No. T-16463 in the name of Ireneo, Baltazar, Lolita and Milagros, all surnamed Grafil, on the basis of a deed of ‘Extra Judicial Settlement and Sale’ executed by the Heirs of Salvacion Escarlan on May 16, 1986, which apparently was presented by you as shown by your initials ‘E.E.U.’ opposite Entry No. 16715 of Primary Entry Book 496; and subsequently, on November 13, 1986, on the basis of the same document, you issued TCT No. T-16504 in the name of Spouses Agustin Tambanillos and Leonora Tesorero.

“It is therefore clear from the foregoing that you caused the reconstitution of the original of TCT No. 1057 not on November 26, 1975 but only on September 15, 1986 when the deed of Extra Judicial Settlement and Sale was presented for registration, in violation of the provisions of R.A. No. 26, as amended by Sec. 110 of P.D. No. 1529.”

Formal investigation disclosed that TCT No. 1057 covering a parcel of land located at San Jose, Antique, was issued in the name of spouses Ireneo Grafil and Salvador Escarlan. The latter died intestate in 1947, but the Grafil heirs did not divide the property until May 26, 1986 when they executed an Extrajudicial Settlement and Sale in favor of spouses Agustin Tambanillos and Leonora Tesorero.

In the meantime, on November 26, 1975, Mr. Benedicto Moscoso, Jr., requested the registration of the two (2) deeds of sale affecting the parcel of land covered by TCT 1057 executed by Felipe Moscoso and Teofisto Moscoso in favor of Benedicto Moscoso. Respondent directed his vaultkeeper to check if the original of TCT 1057 was on file (the registry having been gutted by fire in 1957). When he was informed that it was not, respondent instructed his clerk to reconstitute the original of the said title. The registration of the deeds showing the transfer of the land from the registered owners (Ireneo Grafil and Salvacion Escarlan) in favor of Felipe Moscoso and Teofisto Moscoso was not presented.

On 15 September 1986, spouses Agustin Tambanillos and Leonora Tesorero personally appeared before respondent and presented the Extrajudicial Settlement and Sale executed by the Grafil heirs in their favor, together with the supporting documents. Having found the same to be complete and in order, respondent cancelled TCT No. (1057) RT-738 and issued TCT No. 16463 in the name of the Grafil heirs and, thereafter, issued TCT 16504 in the name of Agustin Tambanillos and Leonora Tesorero after registering the same.

In a report dated December 21, 1987, to the Secretary of Justice, Administrator Teodoro G. Bonifacio of the then National Land Titles and Deeds Registration Administration (NLTDR) recommended that respondent Unica be found guilty of grave misconduct.

In his evaluation of the case, however, then Acting Secretary Eduardo G. Montenegro of Justice found respondent guilty merely of neglect of duty, and, as a penalty, recommended his suspension from office for six (6) months without pay, with the following comments:

“The issue is whether or not respondent’s reconstitution of TCT No. 1057 and the subsequent issuance of the reconstituted title constitute grave misconduct.

“The following provisions of Republic Act No. 26 are decisive of the issue:

“Section 5. Petitions for reconstitution from sources enumerated in sections 2(a), 2(b), 3(b), and 1 or 4 (a) of this Act may be filed with the Register of Deeds concerned by the registered owner, his assigns or, other person having an interest in the property. The petition shall be accompanied with the necessary sources for reconstitution and with an affidavit of the registered owner stating, among other things, that no deed or other instrument affecting the property had been presented for registration, or if there be any, the nature thereof, the date of its presentations, as well as the names of the parties, and whether the registration of such deed or instrument is still pending accomplishment, xxx.

“Section 6. The Register of Deeds may *motu proprio* reconstitute a certificate of title from its corresponding owner’s duplicate, and, for this purpose may compel the registered owner, or any holding such owner’s duplicate to surrender the same to the registry of deeds. After the reconstitution, said owner’s duplicate shall be returned to the persons concerned.

implemented by No. 9 of GLRO Circular No. 17, as follows:

“9. The Register of Deeds may reconstitute *motu proprio* any certificate of title, when it is necessary to do so in order to accomplish the registration of a deed or other voluntary instrument, and the owner’s duplicate of the certificate of title to be reconstituted is presented to that end. xxx”

“It is clear from the above mentioned provisions of law and implementing circular that respondent failed to comply with the requirements thereof whether he administratively reconstituted TCT No. 1057 *motu proprio* or on the basis of the alleged verbal request made by Benedicto Moscoso.

“Assuming *arguendo* that there was indeed a verbal request for the reconstitution, a petition, accompanied by an affidavit of the registered owner and the owner’s duplicate, has to be filed with Registry of Deeds. A mere verbal request does not suffice under the rules.

“*Motu proprio* reconstitution pursuant to GLRO Circular No. 17 may be resorted to only for the purpose of accomplishing the registration of a deed or other voluntary instrument. However, the Primary Entry Book, Volume A, covering the questioned period particularly the entries made on 26 November 1975, shows that no deed or voluntary instrument was entered or presented for registration which would justify the act of respondent in reconstituting TCT No. 1057. The deeds of sale presented by Benedicto Moscoso which were denied registration could not be considered as voluntary deeds contemplated by law for the simple reason that respondent was not under any obligation to register the same.

“Evidently, the *motu proprio* reconstitution of TCT (1057) RT-738 was in clear violation of the above provisions and of Section 110 of Presidential Decree 1529 mandating a judicial reconstitution of lost or destroyed original certificate of title. However, the violation could hardly be classified as grave misconduct. No malice could be imputed to respondent who, at the time, believed that he could motu proprio reconstitute the lost certificate of title. He clearly neglected to carefully check on the requirements therefore. At the most, respondent could only be held liable for gross neglect of duty.

“Respondent assumed as Register of Deeds on 19 May 1967 and within that period this appears to be his first offense. This circumstance should be considered in the imposition of the proper penalty.” (Underscoring added.)

After a review of the records of the case, this Office concurs in the findings and recommendation of the then Acting Secretary of Justice.

WHEREFORE, and as recommended by the Department of Justice, respondent Eugenio E. Unica, Register of Deeds of Antique, is hereby found guilty of Neglect of Duty and suspended from office for

six (6) months without pay or, if retired, should refund, and/or deduct the equivalent of his salary for six (6) months from his retirement pay.

DONE in the City of Manila, this 28th day of August, in the year of our Lord, nineteen hundred and ninety-nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 85
DISMISSING ASSISTANT CITY PROSECUTOR SALVADOR M. QUIAMBAO OF THE CITY
PROSECUTION OFFICE OF MANILA FROM THE SERVICE

This refers to the administrative complaints separately filed by Virgie Terakita and Dante Edangal against Assistant City Prosecutor Salvador M. Quiambao of the City Prosecution Office of Manila for gross neglect of duty, inefficiency and/or grave misconduct in office.

It appears that on February 22, 1993, Virgie Terakita filed a criminal complaint for grave threats against Dante Edangal, docketed as I.S. No. 93-B-06463. It was only on October 28, 1994, or seventeen (17) months from the time the said criminal case was assigned to respondent prosecutor for preliminary investigation that the same was resolved, hence, this administrative charge.

In his answer, respondent explained that he could not have resolved the subject criminal case earlier because “there was no proof that the other respondents in the said case had been duly served with notice of the subpoena pursuant to Circular No. 215 of the DOJ.” He likewise averred that he does not only attend to court duties three (3) times a week, but he also conducts night inquests and night court hearings. Moreover, he claimed that he acts as “*trouble shooter*” for absent trial prosecutors. Furthermore, he lamented the lack of clerical staff, stating that he shares the services of one stenographic reporter with two (2) other prosecutors. Finally he disclosed that he is already sixty (60) years old.

As did the Secretary of Justice, I find respondent’s explanation to be unsatisfactory. The reasons he invoked could not justify his long delay in resolving I.S. No. 93-B-06463, a simple case of grave threats. Had the respondent prosecutor found complex issue/s in the subject criminal case, the appropriate course to take was to request for an extension of time within which to resolve the same from the chief of office, which he failed to do.

Members of the prosecution service are enjoined to act with promptitude and dispatch in the discharge of their functions. Narrowing the gap between the number of cases filed for preliminary investigation and those which have been resolved/disposed of, is the primary concern of the prosecution service. Indeed, the full realization of this ideal hinges on the industry and dedication of every prosecutor such that he cannot afford to be sluggish in the resolution of cases filed for preliminary investigation before him.

It cannot be over-emphasized that it is the sworn duty of each member of the prosecution service to administer justice without undue delay. There obtains a Department of Justice (DOJ) Circular, i. e. Circular No. 49, series of 1993, requiring every prosecutor to resolve a case within sixty (60) days after the same shall have been assigned to him for preliminary investigation.

I cannot countenance the 15 - month delay incurred by the respondent in resolving I.S. No. 93-B-06463. Notably, the subject matter of the complaint simply involved an issue of grave threats, which respondent prosecutor could have resolved even without conducting the preliminary investigation pursuant to the Rules on Criminal Procedure, the case being cognizable by the Metropolitan Trial Courts, where a preliminary investigation is not a matter of right. Accordingly, it was unreasonable,

inexcusable and a manifest gross inefficiency on respondent prosecutor to have resolved the same in seventeen (17) months. His inefficiency had indeed hindered the efforts of the Department of Justice to minimize if not eradicate undue delay in the resolution of cases.

WHEREFORE, as recommended by the Secretary of Justice, Assistant City Prosecutor Salvador M. Quiambao of the City Prosecution Office, Manila, is hereby dismissed from the service, effective upon his receipt hereof.

DONE in the City of Manila, this 28th day of August, in the year of our Lord, nineteen hundred and ninety-nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 86
IMPOSING THE PENALTY OF SUSPENSION FOR SIX (6) MONTHS ON
ELLEN V. HERNANDEZ, REGIONAL DIRECTOR, BUREAU OF
LOCAL GOVERNMENT FINANCE, REGION III

This resolves the administrative case filed by Hercules M. Abela (Abela, hereinafter) against Ellen V. Hernandez (Hernandez), Regional Director, Bureau of Local Government Finance, Region III, for deliberate refusal to perform her official duty contrary to Section 4 (e) of Republic Act (RA) No. 6713 and Sec. 3 (f) of RA No. 3019, as amended.

The complaint against respondent Hernandez arose from her alleged failure to act, with dispatch, on the three (3) complaints filed by Abela against Loreto P. Azores, City Treasurer of Olongapo City, for various acts of irregularities. The complaints were filed with respondent Hernandez on August 14 and 26, 1991 as well as on September 20, 1991.

For the purpose of showing that she had indeed acted on the three (3) complaints filed by Abela, Hernandez submitted her letter/resolution to City Treasurer Azores dated December 28, 1992, clearing the latter of the charges against him. However, the Presidential Commission Against Graft and Corruption (PCAGC) gave no consideration to this piece of evidence because: (1) the complaint dated September 20, 1991 had never been referred to Azores for comment; hence, respondent Hernandez could not have included the same in her letter/resolution; and (2) complainant Abela was not furnished with a copy of the said letter/resolution of Hernandez.

In its resolution dated November 7, 1997, the PCAGC pertinently stated:

“x x x, [I]t is clear that from 1991, when Abela filed with respondent Hernandez his complaints against Azores until 1995, when Abela filed with this Commission administrative charges against said respondent Hernandez, the latter had failed to act and resolve Abela’s complaints against Azores, perforce, herein respondent Hernandez has committed the following acts or omissions contrary to law, to wit:

(a) Respondent failed to refer to Azores the complaint of Abela dated September 20, 1991; (b) she failed to answer the request of the Office of the Ombudsman for the status of the investigation of Abela’s complaints; (c) respondent failed to expedite the calling of a meeting with complainant, contrary to Sec. 4 (b) and Sec. 5 (d) of Republic Act 6713; (d) respondent failed to inquire into the cause of Abela’s non-attendance of the conference set on September 15, 1992; (e) respondent did not comply with the instruction of Deputy Director Angelina M. Magsino; and (f) that while respondent took certain initial steps in investigating Abela’s complaints against Azores, she failed to resolve these cases in six (6) years time.

In fine respondent Hernandez, by her acts and omissions contravened Sec. 4 (b) and Sec. 5 (a) and (d) of Republic Act 6713; and Sec. 3 (f) of Republic Act 3019, as amended, reading as follows:

Sec. 4 (b) and Sec. 5 (a) of Republic Act 6713, read as follows:

“Sec. 4. Norms of Conduct of Public Officials and Employees. – (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

(a) xxx xxx

(b) Professionalism. – Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.”

“Sec. 5. Duties of Public Officials and Employees. – In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. – All public officials shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

xxx xxx

(d) Act immediately on the public’s personal transactions. – All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.”

and Sec. 3 (f) of Republic Act No. 3019, [as amended] reads as follows:

“Sec. 3. Corrupt Practices of Public Officers. – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx xxx

(f) Neglecting or refusing after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for purpose of favoring his own interest or

giving undue advantage in favor of or discriminating against any other interested party.” (Brackets supplied)

The inculpatory findings and conclusions of the PCAGC, supported as they are by, or at least reasonably inferable from, substantive evidence on record commend themselves for concurrence. This is not to say, however, that the act complained of constitutes corrupt practice under Section 3 (f) of RA 3019. As it were, no evidence was presented to show that Hernandez failed to act with dispatch on Abela’s complaint for the purpose of gaining material advantage.

WHEREFORE, premises considered, respondent Ellen V. Hernandez is hereby found guilty of the offense of deliberate refusal to perform official duty and accordingly, is hereby meted the penalty of suspension for six (6) months, effective upon receipt of a copy hereof.

DONE in the City of Manila, this 7th day of September, in the year of Our Lord Nineteen Hundred and Ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 87
PROHIBITING THE PAYMENT OF AMELIORATION ASSISTANCE AND SIMILAR OR
EQUIVALENT BENEFITS TO ALL GOVERNMENT PERSONNEL IN FY 1999

WHEREAS, there has been unequal payment of amelioration assistance to government employees in the past years, giving rise to complaints, dissatisfaction and discontent among government personnel who received less or were not able to enjoy said benefit;

WHEREAS, the granting of amelioration assistance does not form part of the agencies' budget for the year;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, do hereby order and direct:

Section 1. That payment of amelioration assistance and similar or equivalent benefits, except those expressly provided for in the 1999 National Budget, shall not be allowed in FY 1999;

Section 2. That anyone found violating this directive shall be dealt with in accordance with the applicable provisions of existing administrative and penal laws;

Section 3. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 24th day of September, in the year of our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

**MALACAÑANG
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

**ADMINISTRATIVE ORDER NO. 88
AUTHORIZING THE METROPOLITAN INSURANCE COMPANY, INC. TO BECOME A
SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS,
BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizances, stipulations, bond or undertaking conditioned for the faithful performance of any duty or any contract made with any public authority, national provincial, municipal, or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by laws of the Philippines or by the regulation or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the conditions thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity or persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides “that no head of department, court, judge, officer, board, or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract, or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the Metropolitan Insurance Company, Inc., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Metropolitan Insurance Company, Inc., to become a surety upon official recognizances, stipulations, bonds and undertakings, in such manner and under such conditions as are provided by law, subject to the conditions that the total amount of government bonds that it may issue, shall not, at anytime, exceed its admitted assets and that the contributed surplus fund shall not, at anytime, be withdrawn and paid back in cash to the contributing stockholders without prior recommendation and justification by the Insurance Commissioner duly approved by the Secretary of Finance.

DONE in the City of Manila, this 29th day of September, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89
IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR ON AMBROSIO F. CONLU,
ASSISTANT REGIONAL DIRECTOR, DEPARTMENT OF AGRICULTURE,
REGIONAL OFFICE NO. III.

This refers to an anonymous complaint dated April 12, 1994 addressed to then President Fidel V. Ramos, through the Presidential Commission Against Graft and Corruption (PCAGC), against Assistant Regional Director Ambrosio F. Conlu, and three (3) others for their alleged involvement in the irregular and anomalous purchase by the Department of Agriculture, Regional Office No. III, of a set of books and tapes for staff development, in the amount of thirteen thousand pesos (P13,000.00).

Initially, the PCAGC took cognizance of the complaint against all respondents. Subsequently, however, the proceedings continued only against Assistant Regional Director Ambrosio F. Conlu (the “respondent”), a presidential appointee.

On October 31, 1997, the PCAGC issued a resolution finding respondent guilty of conduct prejudicial to the best interest of the service, and recommending the penalty of suspension for one (1) year on the strength of the following premises:

“The complaint alleged, among other things that: (1) respondent pressured Libertad A. Rivera, Agriculturist II of the Research Division, into purchasing said books and tapes; (2) said books and tapes were actually owned by respondent and did not belong to the supplier named Proteus Trade Ventures; (3) while the requisitioning officer was ISAGANI O. HERRERA, Sales Invoice No. 1984 and Official Receipt No. 4903 both dated 7 October 1993 were issued by the said supplier in the name of respondent; (4) respondent claimed for a reimbursement in the amount of thirteen thousand pesos (P13,000.00), which amount was more than his (respondent’s) salary; (5) Check No. 695461 dated 26 October 1993 in the amount of thirteen thousand pesos (P13,000.00) was issued in the name of respondent as reimbursement for the payment of said books and tapes; and (6) respondent defrauded the government in the amount of thirteen thousand pesos (P13,000.00).

Respondent’s comment dated 27 July 1994 alleged, that:

(1) As Assistant Regional Director for Administration, his responsibility involved administrative and support services needed in the day-to-day operation of the agency, including personnel matters and upkeep/maintenance of the department facilities. The Procurement Unit of the General Services Section which is tasked to procure supplies and materials requisitioned by operating units/end-users is directly under his office; (2) he denied exerting pressure on anybody as there was no need for it nor was he capable of doing so; (3) he advanced the

payment of the books and tapes as Assistant Regional Director for Administration using his own funds and subsequently requested for a reimbursement through his subordinate personnel; and (4) as Assistant Director, he received a gross compensation of more than thirteen thousand pesos (P13,000.00) excluding allowances and fees derived from consultation jobs undertaken after office hours.

xxx xxx xxx

Evidently, in his attempt to extricate himself from the charges, and to explain his financial capacity as a consequence of his claim to have advanced money for the procurement of the books and tapes for the use of his Office, respondent was caught in a dilemma, admitting the commission of an act - exercising his profession without the required permission to do so - equally violative of the law.

xxx xxx xxx

...[A] public office is a public trust, it must not be used as an instrument of self-aggrandizement by the person holding it. The public officer is a steward who must perform his powers and duties for the benefit of the people and not for the enhancement of his own interests. For this reason, and to insure against a contrary persuasion, the law imposes upon him certain inhibitions in the discharge of his office.

It being shown that respondent had not secured prior authority to act as a consultant to private individuals/enterprises, perforce, he must be found guilty of unlawfully engaging in the practice of his profession.

Going back to the main issue raised by the complainant, of whether or not the payment made in advance by the respondent using his personal funds for the purchase of a set of 'Successful Achievement Books and Tapes' in the amount of P13,000.00 is permitted by the rules, the commission finds the same to be highly irregular.

xxx xxx xxx

Respondent's acts of applying his personal funds for the purchase of a set of books and tapes in disregard of established rules on the procurement of government property and consequently obtaining a reimbursement of such payment is irregular.

The term 'irregular expenditure' signifies an expenditure incurred without adhering to established rules, regulations, procedural guidelines, policies, principles or practices that have gained recognition in law. Irregular expenditures are incurred without conforming with prescribed usages and rules of discipline. There is no observance of an established pattern, course, mode of action, behavior, or conduct in the incurrence of an irregular expenditure. A transaction conducted in a manner that deviated or departs from, or which does not comply with standards set is deemed irregular. An anomalous transaction which fails to follow or violate appropriate rules or procedures is likewise irregular.

Being an Assistant Regional Director, it is respondent's duty to observe the rules and regulations pertaining to the procurement of government property. While it appeared that respondent was prompted by his belief that the transaction would be useful to the Agency as a whole, however, the end is not justified by the means employed.

There was no cogent reason for the respondent to depart from the accepted rules and regulations in the procurement of supplies and equipment for the government."

I concur with the findings of the PCAGC that respondent, by disregarding established rules on the procurement of government property, engaged in conduct grossly prejudicial to the best interest of the service. Thus, I feel it is more than appropriate under the circumstances to impose upon respondent the penalty of suspension for one (1) year without pay.

WHEREFORE, and as recommended by the Presidential Commission Against Graft and Corruption, Ambrosio F. Conlu, Assistant Regional Director, DA Regional Office No. III, is hereby adjudged guilty of conduct prejudicial to the best interest of the service, and is accordingly suspended for a period of one (1) year without pay, effective upon receipt hereof.

Done in the City of Manila, this 1st day of October, in the year of Our Lord Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 90
CONSTITUTING A CABINET OVERSIGHT COMMITTEE ON PEACEKEEPING
AND DEVELOPMENT OPERATIONS

WHEREAS, during the Cabinet meeting of 29 September 1999, the President decided, with favorable indorsement from the Cabinet, that the “Strategy of Total Approach” shall serve as the overall strategy to effectively address armed conflicts/insurgencies in the country;

WHEREAS, the “Strategy of Total Approach”, as presented during the above-mentioned Cabinet meeting, consists of a security component, a political component, and a socio-economic component to address armed conflicts/insurgencies.

WHEREAS, military action by itself is not a sufficient solution to deter and resolve armed conflicts/insurgencies, therefore, government must implement a package of policies and programs that effectively and simultaneously address the socio-economic, the political and the security aspects of the situation;

WHEREAS, there is a need for effective coordination and orchestration of peace and development operations, under a strong and unified leadership;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order:

SECTION 1. CREATION OF A CABINET OVERSIGHT COMMITTEE ON PEACEKEEPING AND DEVELOPMENT OPERATIONS. A Cabinet Oversight Committee is hereby constituted to provide direction and supervision in the implementation of the “Strategy of Total Approach” to affectively address armed conflicts/insurgencies in the country.

SECTION 2. COMPOSITION OF THE CABINET OVERSIGHT COMMITTEE. The Cabinet Oversight Committee shall be headed by the Executive Secretary as Chairman and the Secretary of National Defense as Vice-Chairman with the following members:

- a. Secretary of Interior and Local Government (DILG);
- b. Secretary of Justice (DOJ);
- c. Secretary of Agriculture (DA);
- d. Secretary of Environment and Natural Resources (DENR);
- e. Secretary of Agrarian Reform (DAR); and
- f. Director-General, National Economic and Development Authority (NEDA); and
- g. National Security Adviser, as secretary to the Committee.

SECTION 3. RESOURCE PERSONS OF THE CABINET OVERSIGHT COMMITTEE. The Cabinet Oversight Committee may call upon the following to serve as resource persons to assist the Committee in its functions:

- a. Presidential Adviser on the Peace Process;
- b. Chief of Staff AFP;
- c. Chief PNP;
- d. Director-General, NICA; and
- e. Heads of other concerned departments/agencies as needed.

SECTION 4. FUNCTIONS OF THE CABINET OVERSIGHT COMMITTEE. The Cabinet Oversight Committee, on behalf of the President, shall have the following functions:

- a. Provide over-all guidance and supervision in the implementation of the “Strategy of Total Approach” so that there will be a strong and unified authority and focus in addressing armed conflicts/insurgencies;
- b. Monitor and coordinate, with concerned Cabinet departments and agencies, the implementation of various development programs to help address armed conflicts/insurgencies in specific areas of the country; and
- c. Encourage active participation of local government units, the private sector, and civil society, in the implementation of programs to help address armed conflicts/insurgencies in their respective jurisdictions

SECTION 5. TASKS OF DEPARTMENTS AND AGENCIES. Concerned departments and agencies shall pursue the following tasks:

- a. DND-AFP shall be the lead department/agency that shall orchestrate the security component of the strategy, closely supported and complemented by the socio-economic clusters and political-security clusters of the Cabinet.
- b. AFP shall draw up the implementing military strategy, in close coordination with, and with the support of the PNP.
- c. Cabinet Departments and agencies concerned shall adopt programs and projects that complement and support DND/AFP in the pursuit of the national strategy.
- d. Local government units (LGUs), under the supervision of the DILG, shall be made to actively participate and implement programs to help address armed conflict/insurgency in their respective jurisdictions.

SECTION 6. SECRETARIAT. The Office of the National Security Adviser and Director-General, National Security Council, shall provide staff coordination and secretariat support to the Committee.

SECTION 7. EFFECTIVITY. This Administrative Order shall take effect immediately.

DONE, in the City of Manila, this 6th day of October, in the Year of our Lord, Nineteen Hundred and Ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 91
IMPOSING THE PENALTY OF THIRTY (30) DAYS SUSPENSION WITHOUT PAY ON
ASSISTANT PROVINCIAL PROSECUTOR ARTURO A. LLOBRERA, PROVINCIAL
PROSECUTION OFFICE, TARLAC, TARLAC.

This refers to the administrative complaint filed by Marciano Doctor, Romeo Carbonell, Ernesto Delos Santos and Eufrocino Balmores against Assistant Provincial Prosecutor Arturo A. Llobrera of Tarlac for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights.

The records show that on July 1, 1987, complainants Doctor, et al., filed a criminal complaint against Ramon Ping Ting before the Office of the Provincial Prosecutor of Tarlac, docketed as I.S. No. 87-280. Later, on August 25, 1987, complainant Balmores filed before the same office a separate criminal complaint against Ting, the complaint docketed as I.S. No. 87-362. Both cases were assigned to respondent Prosecutor Llobrera. However, despite the lapse of almost three (3) years, Prosecutor Llobrera did not act upon the said complaints. Dismayed by the long delay, Balmores brought such dereliction of duty to the attention of the Chief State Prosecutor, who, in separate directives dated April 25, 1990 and May 21, 1990, ordered the Provincial Prosecutor of Tarlac to make a report on the charges of neglect of duty filed against Llobrera. When asked to comment on the said charges filed against him, Llobrera did not reply thereto nor act upon the criminal complaints filed by the complainants.

On the basis of the foregoing, complainants filed before the Office of the Ombudsman an administrative complaint for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights against respondent prosecutor. The case was docketed as OMB-ADM-1-96-0541 entitled "*Marciano Doctor, et al., versus Arturo A. Llobrera, et al.,*". Despite directives from the Office of the Ombudsman, Llobrera did not file his counter-affidavit nor submit any controverting evidence to refute the charges against him. On the basis of the uncontroverted evidence of the complainants, the Office of the Ombudsman, in an order dated September 4, 1997, found Llobrera guilty of simple neglect of duty. The Office of the Ombudsman, noting that this is Llobrera's first offense, merely recommend that he be suspended from office without pay for a period of thirty (30) days.

The Secretary of Justice forwarded the above order to this Office for implementation of the suspension from office of Llobrera, the latter being a presidential appointee.

With the foregoing findings of the Ombudsman as guide and after evaluating the records of this case, no other conclusion can be drawn other than that Llobrera had been remiss in the performance of his duties. Glaringly unjustifiable delay in resolving the criminal complaints aforementioned, not even to determine whether or not there existed a probable cause to criminally charge Ramon Ping Ting in court, cannot be countenanced by this Office. We have consistently held that the failure of a prosecutor to decide a criminal complaint or file the same in court within a reasonable period of time is not excusable and constitutes gross inefficiency. Such non-observance of the rule, needless to stress, is a ground for administrative sanction against the erring prosecutor.

Furthermore, we look with disfavor the reprehensible disregard by respondent prosecutor of the lawful orders not only of the Office of the Ombudsman, but also of his superiors for him to submit his explanation why he neglected or failed to act on the cases assigned to him despite the lapse of three (3) years. Such disdainful act by the respondent prosecutor not only cause insolence and disrespect to the said officials but also, and more importantly, transgresses the right of the complainants to a speedy disposition of their cases.

The imposition of the penalty of suspension from office without pay is not undeserved. Prosecutor Llobrera's transgression betrays his failure to measure up to the stringent standards of his public position. His gross inefficiency in the performance of his duties and repeated disregard of the orders of his superiors and the Office of the Ombudsman are serious violations of the norms of conduct for public officials.

WHEREFORE, and as recommended by the Office of the Ombudsman, Assistant Provincial Prosecutor Arturo A. Llobrera of Tarlac is hereby **SUSPENDED** from office without pay for a period of **THIRTY (30) DAYS**, with the warning that repetition of the same will be dealt with severely by this Office.

Done in the City of Manila, this 14th day of October, in the year of Our Lord, Nineteen Hundred and Ninety Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 92
IMPOSING THE PENALTY OF SUSPENSION OF THREE (3) MONTHS ON IMELDA A.
BUENAFE, PRESIDENT, ABRA STATE INSTITUTE OF SCIENCE AND TECHNOLOGY

This resolves the letter-complaint dated August 25, 1995, of Erasto V. Ramos (“complainant”), charging Imelda A. Buenafe (“respondent”), President, Abra State Institute of Science and Technology (“ASIST”), with, among others, the following: (1) malicious and capricious filing of an administrative complaint against a faculty member; (2) allowing the ASIST administration to undertake the concreting of the ASIST main road contrary to the ruling of the Board of Trustees and implementing the same without COA clearance; (3) overpricing of cement and other construction materials in the concreting of the ASIST main road; (4) granting of unauthorized cash advances to a non-accountable officer for the procurement of athletic goods for the IRRA meet in Baguio City; (5) violation of COA rules and regulations by using daily an EDPITAF-EEC Land Rover from home to office without accomplishing the required trip tickets in violation of COA rules and regulations; and (6) committing an act of dishonesty by taking two (2) sacks of mangoes, allegedly to be used to bribe budget personnel.

On November 28, 1997, after proceedings duly held, the Presidential Commission Against Graft and Corruption (PCAGC) issued a resolution which, although absolving respondent from the majority of the charges leveled against her, nonetheless found her guilty of simple neglect of duty and recommended her suspension for a period of three (3) months for violating the following government rules and regulations:

1. Sec. 102 of the State Audit Code (P.D. 1455) for her failure to enforce compliance with the conditions set forth in E.O. 182, series of 1987, before undertaking the concreting of the ASIST main road by administration and which failure constitutes neglect of duty under Sec. 127 of the said Audit Code;
2. R.A. 7845 (General Appropriations Act of 1995) and COA Circular 75-6 (November 7, 1975) requiring the marking of all government vehicles with the words “FOR OFFICIAL USE ONLY”; and
3. COA Circular 75-6 for the improper use of the ASIST Land Rover for her travels to and from her hometown in Tayum, Abra and for her use of the same vehicle without the required trip tickets.

After a careful review of the records of the case, this Office concurs with recommendation of the PCAGC, as well as on the findings upon which it is based. As regards the specific wrongdoing committed by respondent, we quote with approval the findings of the PCAGC, to wit:

“In connection with the concreting of the ASIST main road, complainant alleges that the ASIST administration headed by respondent undertook the said project contrary to the ruling of the Board of Trustees and implemented the same

without COA clearance. Respondent submitted as part of her evidence a copy of the Excerpts of the minutes of the 50th, 51st and 57th ASIST Board Meetings held on March 10, 1994, April 14, 1994 and September 8, 1994, respectively (Exhibits ‘13’, ‘15’ and ‘16’ for respondent, pages 128, 126 and 125 of records) to refute complainant’s claims that the concreting of the main road was in contravention of the decision of the ASIST Board of Trustees.

Respondent claims that during the Board meeting on March 10, 1994, Regent Jeremias Zapata objected to her proposal to award the contract for the concreting of the main road to APO General Construction. She further claims that her proposal was based on the result of the public bidding for the proposed project conducted in December 1993. As a consequence of Regent Zapata’s objection, the Board passed Res. No. 39 s. 1994 declaring the bidding on December 14, 1993 null and void because of the absence of a list of functions to guide the Prequalification, Bids and Awards Committee (PBAC). (Exhibit “13” for respondent, *ibid.*)

In view of the Board’s decision to declare the bidding null and void, respondent, at the 51st ASIST Board Meeting on April 14, 1994, requested for authority to prosecute by administration the construction of the ASIST Road Concreting Project. The authority granted to ASIST management is embodied in Res. No. 46 s. 1994. (Exhibit “15” for respondent, *supra*)

While it is true that construction projects in government are generally undertaken by contract after competitive bidding, exceptions may be allowed under certain conditions. Sec. 63 of the General Appropriations Act of 1993 (RA 7645) provides:

‘Construction projects funded from capital outlays authorized in this Act under the various departments xxx of the national government, including the construction of buildings for state universities, colleges, schools xxx shall be implemented only in accordance with the appropriate standards and specifications for the planning, survey, design and construction of the project as prescribed by the Department of Public Works and Highways or the Department of Transportation and Communication xxx In the implementation of the construction projects, sections 2, 3, 4, 5, 6, 7, 9, 10 and 12 of Executive Order No. 182 entitled ‘Rationalizing Public Works Measures, Appropriating Funds for Public Works, and for other purposes’, and other legislations on public works shall be strictly complied with.’

Sec. 7 of said Executive Order No. 182 dated June 3, 1987 provides:

‘x x x a project costing over P1,000,000.00 may be prosecuted by administration by the agency concerned only in case of failure to award a contract after open competitive public bidding for a valid cause or causes, and subject to the approval of the Secretary of Public Works and Highways or the Secretary of Transportation and Communications, if the project cost is P10,000,000.00 or less; xxx’

A study of the provisions enumerated above reveal two (2) requirements for construction projects costing more than one million pesos (P 1,000,000.00), namely: (a) failure to award after public bidding for valid cause/s and (b) approval of the Secretary of DPWH.

The prosecution by the ASIST management of the concreting project with an approved agency estimate (AAE) of P 1,341,719.30 (p. 146 of records) raises a few issues which, even if not directly attributable to respondent, must be disclosed for the information of the Office of the President. The Commission is of the opinion that the ground for declaring the bidding null and void does not come under any of those enumerated in Sec. 562 of the Government Accounting and Auditing Manual (GAAM, Vol. I). Further, the general functions of the Prequalification, Bids and Awards Committee (PBAC) for all government agencies are embodied in Sec. 549 as well as in other sections of Title 3, Chapter 3 (Infrastructure contract) of the same Government Manual. These serve as the guidelines for all committees constituted for the same purposes, regardless of the government agency or its location. There is no need for a specific enumeration of PBAC functions for each government agency.

While it is true that respondent constituted only one (1) vote of the total seven (7) votes on the Board, she cannot be absolved from liability for the unlawful expenditure.

The ground relied upon by the Board failed (sic) to justify its grant of authority to the ASIST management to prosecute the concreting project by administration. The excerpt of the minutes of the 50th ASIST Board of Trustees Meeting on March 10, 1994 indicates that respondent, representing ASIST management, was not in agreement with the objection of Regent Zapata. The stand of respondent is recorded, thus:

‘On the other hand, management justifies its action on the following premises: xxx Second, while management recognizes the importance of PBAC delineation of functions duly adopted by the Board, it is not always a necessary pre-requisite in the conduct of bidding since such functions are already explicit in P.D. 1594 and its implementing guidelines. In fact, the Honorable Board had been approving PBAC recommendations which were guided solely by the provisions of P.D. 1594 and its implementing guidelines ever since[.]’ (Exh. ‘13’ for respondent, p. 128 of records)

Hence, the Commission is surprised with respondent’s turnaround when she requested for authority to prosecute by administration the aforementioned project during the 51st meeting of the ASIST Board of Trustees on April 14, 1994 (Exh. ‘15’ for respondent, p. 126 of records).

What is even more disconcerting is the subsequent request of respondent dated September 5, 1994 for authority to implement/undertake ALL civil works at ASIST by administration. She cites the unsatisfactory and substandard performance of past contractors which have caused undue delays in the completion of projects (Exh. ‘14’ for respondent, p. 127 of records).

Such arguments, however, are not enough to justify deviation from the usual requirement of public bidding which procedure has been instituted to ensure maximum utilization of government funds. What is needed is strict supervision by the agency head and/or his representatives to enforce compliance with construction contracts.

In the face of the declaration of failure of the bidding by the Board of Trustees, she should have given instructions to ASIST PBAC to comply with the Board's requirement for a list of PBAC functions by citing pertinent laws and to undertake a second bidding. The possibility of prosecuting the contract by administration should have been considered only in the event of a failed bidding and only upon compliance with the conditions set forth in Sec. 7 of EO 182.

Under Section 102 of the State Audit Code (PD 1445), respondent, as head of the ASIST, is immediately and primarily responsible for all government funds and property pertaining to that university. She is expected to be the first person to demand compliance with the law and the rules and regulations formulated for the efficient functioning of government in general and her agency in particular.

Sec. 127 of the aforementioned State Audit Code provides that any unjustified failure by the Public Officer concerned to comply with any requirement imposed in said code shall constitute neglect of duty.

xxx xxx xxx

Regarding the use of the EDPITAF-EEC Land Rover, the following issues were raised:

1. Non-compliance with a COA requirement to mark each and every vehicle of the government 'FOR OFFICIAL USE ONLY';
2. The government vehicle is used daily by respondent from home to office and vice-versa and is parked in some dark corner in respondents' hometown of Tayum, Abra; and
3. The use of government vehicle without the required trip tickets.

Respondent presented to the Commission a copy of the Certificate of Donation of the Land Rover by the Commission of the European Communities to the government (Exhibit '23' for respondent, Page 118 of records). She posits that in view of the nature of the acquisition of the government, namely by donation, a taxpayer like complainant cannot lawfully complain against its suspected misuse.

Sec. 75, Ch. 7, Book VI (National Gov't. Budgeting) of the Administrative Code of 1987 confirms the inclusion of motor vehicles acquired in the regular fleet of government vehicles, thus providing:

'All departments, bureaus, offices and agencies authorized to purchase motor transport equipment including those acquired through donations, gifts or gratuitous title are likewise authorized to use, operate

and maintain them for purposes of carrying out official functions and activities of the agency.’

Regarding the allegation of non-compliance with a COA requirement to mark all government vehicles, RA 7845 (General Appropriations Act of 1995) and COA Circular 75-6 (November 7, 1975) require the marking of all government vehicles in the following manner: the words ‘FOR OFFICIAL USE ONLY’ should appear on each side of the vehicle under which should be written the corresponding name of the agency operating or using the same. RA 7845 further provides for exceptions to this requirement for security reasons. However, the use of the vehicle in question does not come under any of the exceptions.

In her testimony on November 6, 1995, respondent claimed that the vehicles were donated when she was not yet President and were already used regularly when she became President of the University. However, as head of the university she is expected to supervise compliance with all valid government rules and regulations applicable to her agency. It is admitted that there is partial compliance by the marking of ‘EDPITAF-EEC’ (Complainant’s memorandum, page 98 of records). Nevertheless she had chosen to close her eyes to an omission that resulted into the university’s disregard not only of an established COA rule, but more importantly, of an appropriations law.

Anent the allegation on the misuse of the Land Rover for being used by respondent from home to office and vice versa (sic) respondent acknowledged that she travels to Tayum, her hometown, on certain days of the month. (Order of November 6, 1995, p. 68 of records) she further admitted that as a precautionary measure she would park the vehicle near the municipal hall of Tayum where the PNP head-quarters is located.

The same COA Circular 75-6 (SUPRA), reiterating General Circular No. 26 dated July 28, 1953 and Memorandum Circular No. 332 dated June 12, 1957, provides:

‘Unless specifically authorized by the Office of the President, government motor vehicles shall not (be) used for fetching officials or employees from home to office or vice versa (sic).’

xxx xxx xxx

Under Section 34 of R.A. 7845 (General Appropriations Act of 1995), only the following officials are entitled to exclusive use of government vehicles:

xxx xxx xxx

Respondent, whose position and rank does not belong to the above-enumeration, is not entitled to exclusive use of any government vehicle. Like other heads of office of similar rank, she is however allowed use of a government vehicle for official business.

In connection with the issue on the required trip tickets, respondent submitted ten (10) trip tickets representing the various kinds of official trips undertaken by her and other ASIST officials (marked as Exhibits '24' to '24-I', pp. 108-117 of records). However, not one showed travel to and from Tayum, Abra, her hometown. *Nemo Dat Qui Non Habet*. No one can give what he has not.

The use by respondent of a government vehicle without a properly accomplished and duly approved driver's trip ticket violates the same COA Circular 75-6, which provides that except in emergency cases, under no circumstances should government motor vehicles be used without the corresponding trip ticket having been duly issued by the official designated for the purpose."

WHEREFORE, in view of the foregoing, and as recommended by the Presidential Commission Against Graft and Corruption, respondent Imelda A. Buenafe, President, Abra State Institute of Science and Technology, is hereby found guilty of simple neglect of duty and is accordingly suspended for a period of three (3) months without pay, effective from finality of this Order.

SO ORDERED.

Manila, Philippines,

(Sgd.) JOSEPH EJERCITO ESTRADA

By authority of the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 93
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE
OF BENEFITS ON RODOLFO C. NAYGA, PRESIDENT OF ISABELA STATE UNIVERSITY,
ECHAGUE, ISABELA.

This refers to the administrative case against Rodolfo C. Nayga, President of the Isabela State University (ISU), Echague, Isabela.

Pursuant to Executive Order No. 151, series of 1994, as amended, the Presidential Commission against Graft and Corruption (PCAGC), being the Presidential arm tasked to investigate charges of graft and corruption against Presidential appointees, took cognizance of the case and subsequently conducted a hearing. Thereafter, the PCAGC submitted its report, styled as “*Resolution*”.

As gathered from the PCAGC report and the records, the following are the relevant facts:

At the core of the case are the contracts for soil poisoning and termite extermination in certain buildings in the University complex awarded by the ISU in favor of Quadro A Marketing on October 16, and 20, 1992 and January 2 and 5, 1993, for a total contract price of P581,000.00, more or less. Respondent Rodolfo C. Nayga (“*Nayga*” or “*respondent*”, hereinafter), as the complaint would suggest, was alleged to be at the forefront of all major decisions in carrying out the transaction/s in question. Nayga’s participation allegedly consisted primarily of knowingly approving and/or signing falsified contracts in connection with said termite extermination project. His co-respondents’ participation allegedly consisted of making it appear that the transactions underwent public bidding when there was no such bidding; of allowing disbursements, *vis-a-vis* the said contracts, and/or of falsifying documents.

The antecedents relevant to this case show that in a resolution dated August 12, 1993, the Isabela State University Employees and Faculty Association (ISUEFA) charged Nayga and several other officials/employees of ISU for graft and corruption for entering into anomalous transactions. After investigation, the National Bureau of Investigation (NBI), in a report dated October 8, 1993, recommended the filing of appropriate charges against Nayga and other officials of the ISU. The said report, augmented by other evidence, subsequently formed part of the basis of the charges filed by the ISUEFA before the PCAGC against Nayga for violation of Republic Act (R.A.) No. 1319 – the Anti-Graft and Corrupt Practices Act – specifically Section. 3, par. (e) thereof, i.e. “*Causing any undue injury to any party, including the government or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official . . . functions through manifest partiality, evident bad faith or gross inexcusable negligence . . .*” and par. (g), i.e. “*Entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not a public officer profited or will profit thereby*”.

Per its report, the NBI secured sworn statements, the relevant statements being those of –

- a). Fernando P. Ibarra (Chief Accountant and Bidding Committee Member) who stated that the contract was not subjected to public bidding, or if there was one, the same was simulated.

- b). Avelino C. Manaay (Supply Officer and Bidding Committee Member) who “*insinuated that the said project was never subjected to public bidding*”; and
- c). Arnuldo A. Sepillos (supplier representing Quadro A Marketing) who admitted that he did not participate in any public bidding relative to the project.

There were also certifications issued by the end-users, namely: Virgilio R. Anolin and Carmen Y. Pinzon, Dean of the College of Agriculture and Dean of the College of Arts and Sciences, respectively, to the effect that the whole project was completed and accepted in accordance with existing accounting and auditing rules. These certifications, however, were considered by the NBI as part of the falsification scheme because the said documents were allegedly made the basis for the disbursements on the transaction/s.

The NBI report suggested that there was practically no bidding for the soil poisoning and termite extermination project because only two (2) bidders actually participated, the third bidder having backed out for the reason “*not interested*”; that, since there was a failure of bidding, the proper recourse should have been an offer for the re-bidding of the project and not the outright award thereof to Quadro A Marketing; and that to justify the splitting of payments because of insufficiency of funds for the project, the contracts were allegedly falsified to support each and every disbursement made thereon.

Apart from the NBI report, complainant ISUEFA offered evidence consisting, *inter alia*, of the affidavits of some of its members as individual complainants. These affidavits contain –

1. A statement that Quadro A Marketing is not registered with the Securities and Exchange Commission; that its given address at 697 Cebu St., Sampaloc, Manila is non-existent, and that it is registered with the Department of Trade with a measly capital of P20,000.00;
2. Accounts that certain documents were already made and dated and/or fabricated as part of respondents’ evidence; and
3. A detailed discussion about the anomalous bidding and related contracts that are the subjects of the controversy.

The collective defense of respondent Nayga and other ISU officials consisted of a long narration, traversing point-by - point the inculpatory findings contained in the NBI report aforestated. They also submitted documentary evidence, such as the affidavits of Fernando Ibarra, et al., recanting their sworn statements taken by the NBI and alleging that their individual statements were taken without the presence of counsel.

In summary, respondent claimed that on July 15, 1992, the University’s landscaping co-ordinator wrote Andres Karganilla, the University’s Director of Infrastructure, to inform him that the College of Agriculture was infested with termites; that, after an ocular inspection, Karganilla reported that the College of Arts and Sciences building was also infested with termites and recommended anti-pest treatment; that the University’s Board of Regent adopted a resolution authorizing the University President (Nayga) to hire expert service to conduct soil treatment and termite extermination on the buildings and to pay for the services out of available funds for the calendar year 1992, and that any remaining balance shall be paid in 1993, subject to accounting and auditing rules; and that the Notice for the Invitation to Bid and Bid Invitations dated July 1, 1992, were forthwith issued to be received on or before July 16, 1993 and to be opened on July 16, 1993.

According to the respondents, the following events took place on July 16, 1993: 1) the bidders’ proposal and quotations of prices were submitted; 2) an abstract of quotation of prices was prepared

by the ISU committee on Bids and Awards, and 3) the Notice of Award to Quadro A Marketing was issued. Moreover, the succeeding events, indicated opposite the dates of occurrence, took place:

July 20, 1992 – Letter of Arnold Sepillos (Quadro A Mktg.) expressing willingness to undertake the whole project depending on the availability of funds.

October 1, 1992 – Notice to Sepillos to proceed with the project.

October 16, 1992 – Contract signed for P214,616.50

October 16, 1992 – Contract signed for P97,125.00

January 2, 1992 – Contract signed for P112,875.00

January 5, 1993 – Contract signed for P156,383.50

Total: P581,000.00

Respondents' other allegations were along the following lines:

1. All the contracts in question were notarized.
2. On October 15, 1992, the Bids and Awards Committee adopted a resolution, approved by respondent Nayga, stating, among other things, that since the funds were insufficient to finance the whole project, the award should only cover the following project components at the price indicated:

<u>College</u>	<u>Entire Area</u>	<u>To be Awarded For 1992</u>	<u>Cost per sq. m</u>	<u>Total Cost</u>
Agriculture	1,200 sq. m	555 sq. m.	₱175	₱97,125.00
Arts and Sciences	1,200 sq. m	1,226.38 sq. m.	₱175	214,616.50

**Balance for 1993
To Be Awarded
(if funds are available)**

Agriculture	1,200-555	645 sq. m	175	112,875.00
Arts and Sciences	2,120-1226.38	893.62 sq. m.	175	156,383.50

3. The individual Project Program of Work for the College of Agriculture with a total cost of P 212,535.42 had the recommendation/approval of Andres F. Karganilla, Jr., Chairman, Technical Committee, and Nayga's approval. The Bill of Materials and Cost Estimates amounted to P 211,535.42, but there was no indication as to who prepared the same. The individual Project Program of Work for the College of Arts and Sciences with a total project cost of P 381,730.23 had the checked/recommending approval of Karganilla and approval of Nayga. The Bill of Materials and Costs Estimates for P 381,730.23 did not indicate who prepared the same.

Based on the foregoing, Nayga and his co-respondents claimed that they are not culpable of the charges filed against them.

At the PCAGC, the focus of inquiry centered on the question of whether or not there was a valid public bidding, it appearing that all subsequent transactions, e.g. contracts, certifications and disbursements, among others, flowed therefrom. Then, to get to the core of the problem, the PCAGC initially probed into the sworn statements taken by the NBI in the light of the alleged violation of the affiants' right to counsel.

After due hearing, the PCAGC discerned that the said sworn statements deserve more credence because, at that time they were made, the respondents-affiants were ready to tell the truth as they appeared to do so spontaneously. The issue of recantation was considered as a matter of defense or as an afterthought because "*survival*" was foremost in the minds of respondents. The PCAGC added that, even if the said statements are deemed inadmissible, the NBI findings, independent of said statements, are still valid on the basis of the finding that there were only two (2) bidders; hence, there was a failure of bidding.

According to the PCAGC, the appropriate bidding procedures should have been adhered to strictly to obviate the possibility of fraud in the award of contracts.

From the evidence, the PCAGC pointed out other circumstances indicative of said violation. It referred to the virtual rigging of bids, because on certain dates (July 15 and 16, 1992) when the bid documents were released to certain bidders, the Bids and Award Committee already awarded the contract to Quadro A Marketing.

The PCAGC also noted that in the pre-qualification stage, the matter of looking into the financial capacity, expertise, availability and accessibility of manpower and supplies, and a reasonable time frame for inspection and for follow-up to determine the extent of infestation and effectiveness of treatment were not taken into account. From the PCAGC's perception, this gross omission and the precipitate contract award to Quadro A Marketing support the NBI finding that, indeed, there was no public bidding.

Respondents' contention that time was of the essence because termites destroy in so short a time is untenable. As the PCAGC explained and as borne out by the records, it took the respondents two and a half months from July 15, or on October 1, 1992, to notify Quadro A Marketing to proceed with the project; and still another 15 days therefrom to execute the earlier two (2) contracts. The PCAGC added that, while the respondents submitted a Board Resolution adopted on October 19, 1992, authorizing management to enter into contracts on installment owing to insufficient funds, the two (2) contracts entered into or executed on October 16, 1992 were even ahead of the Board Resolution by three (3) days. This, as the PCAGC aptly observed, is plain and simple manipulation.

In view of the vital role that the documents played in the transactions, the PCAGC carefully considered the weight, credence and value of the aggregate evidence on both sides. Beyond the documentary evidence presented, the PCAGC discerned lack of transparency and openness in the transactions in question, specifically with respect to the bidding and subsequent related financial transactions and contracts. Finally, in the light of clear-cut instances of irregularities in carrying out the project, including the falsification of certain documents to support disbursement of funds, the PCAGC decided to recommend administrative sanctions for all the respondents, including Nayga, a Presidential appointee, with the following observation:

"From the evidence, it has been proved that, from the very inception of the project (bidding, approval of the pertinent resolution, notice to proceed) to that stage where the various contracts were executed, up to that final point when the disbursements were made, respondent Nayga was invariably involved. He was at the forefront of all major decisions. He is found to have violated the provisions of

the Anti-Graft and Corrupt Practices Act, specifically Sec. 3, par. (e) thereof which provides, as follows:

x

x

x

and par. (g) of said Section, which provides:

x

x

x

Because of the attendant falsifications, his offense is basically one of dishonesty, a grave offense where the imposable penalty is dismissal.”

After review of the facts in the light of the evidence presented, this Office is inclined to agree with the recommendation of the PCAGC. As it were, the public bidding was supposed to be held for the protection of the ISU and to secure for itself the best possible advantages by means of an open competition between and/or among bidders. The aim of a public bidding is basically to secure the lowest price, to curtail favoritism in the award, to avoid suspicion or anomalies and to foster fairness among the bidders. But, as disclosed, the facts and circumstances surrounding the transactions in question betrayed these ideals. To that extent, I concur with the PCAGC’s conclusion. If there are meaningful words to express the same, these are aptly said in pertinent portions of its report, thus:

xxx “it is ironic that the subject matter of the complaint is termite extermination and soil poisoning. The dreaded termites are those who prey on public funds and gobble them up. It is this specie of termites that should be exterminated. As to soil poisoning, it is the University grounds that should be scorched, not with chemicals, but with torch of truth and justice so that the leaders that will emerge therefrom are men and women who can impart to young minds the gift of learning and true meaning of integrity.”

WHEREFORE, all the foregoing considered, and as recommended by the Presidential Commission against Graft and Corruption, respondent Rodolfo C. Nayga is hereby found guilty as charged and is hereby **DISMISSED** from the service with forfeiture of benefits that may be due him, effective upon his receipt of this order.

SO ORDERED. November 5, 1999

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 94
CREATING THE SPECIAL OPERATIONS GROUP IN THE OFFICE OF THE PRESIDENT ON
LOCAL PRESIDENTIAL VISITS

To ensure a smooth planning and execution of all plans and arrangements, including Presidential instructions, relating to Presidential local travels, there is hereby created a Special Operations Group in the Office of the President for Local Presidential Visits (OP-SOG) composed of the following:

1. The Chairman of the Presidential Commission on Urban Poor and Vice-Chairman of the National Anti-Poverty Commission (lead);
2. The Presidential Security Group;
3. The Radio-TV Malacañang (RTVM) or Philippine Broadcast Staff of the Office of the Press Secretary;
4. The Media Accreditation and Relations Office (MARO) of the Office of the Press Secretary;
5. The Malacañang Appointments Office;
6. The Malacañang Protocol Office; and
7. The Presidential Assistants for Regional Concerns (PARECOs) through the Office of the Executive Secretary.

The Group shall take charge of implementing the following:

- (a) objectives of the Presidential local trips;
- (b) policy guidance on the various preparatory work; and
- (c) required arrangements relating to such visit.

The **OP-SOG** shall conduct ocular inspection and assessment of the proposed trips to validate and finalize the President's program of activities and whenever necessary, a post-visit assessment of the trip.

The **OP-SOG** shall be responsible for coordinating the planning and implementation of all strategies, preparations and arrangements for the local Presidential visits.

The **lead agency of the OP-SOG** shall be responsible for preparing the detailed program of the President's activities and the corresponding flight manifest (if any). As such, at the national level, it shall coordinate with national line agencies and the members of the Special Operations Group on all the administrative and other arrangements and preparations required in the areas to be visited by the President. The lead agency of the OP-SOG shall also be the lead agency in coordinating the participation of all government agencies and instrumentalities, including Congress and the Judiciary as well as concerned Private Sector representatives in such visits.

The **lead agency of the OP-SOG** shall likewise be responsible for gathering the required data and other inputs needed for the President's speeches and statements for the different activities during the visit.

At the local level, the **lead agency of the OP-SOG** shall coordinate through the Office of the PAs for Regional Concerns (PARECOs) with the regional offices of national line agencies and the local officials concerned on all the administrative requirements for the conduct of the various activities of the President in the areas to be visited as well as the participation of said local officials to the said activities.

The **Presidential Security Group (PSG)** shall be the lead agency in providing the security requirements of the President and the members of the First Family. It shall also lead in coordinating the (a) security and other related preparations and arrangements for the local Presidential visits and (b) participation of the officials and elements of the Philippine National Police and the Armed Forces of the Philippines in the area of the President's activities.

The **Philippine Broadcast Staff of the Office of the Press Secretary (PBS-OPS)** shall be the lead agency in coordinating the physical and substantive requirements for the provision of radio and television coverage for the Presidential activities.

The **Media Accreditation and Relations Office of the Office of the Press Secretary (MARO-OPS)** shall be the lead agency in coordinating all media-related activities; including the preparation of press kits, and the decision for the conduct of press briefings, press conference and interviews on site, in coordination with the other members of the OP-SOG.

The **Malacañang Protocol Office** shall primarily be responsible for attending to all the protocular requirements and arrangements for the different activities of the President during the visit.

The **Malacañang Appointments Office** shall primarily be responsible for providing the lead of the OP-SOG with inputs regarding possible activities of the President during the local visit as well as ensuring that the approved program of activities for the local visit are incorporated in the integrated schedule of the President.

The **Presidential Management Staff** shall primarily be responsible for preparing the President's speeches and statements needed for the different activities during the visit based on inputs and other data provided by the lead agency of the OP-SOG.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 5th day of November, in the year of our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 95
RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE
IN CONNECTION WITH THE OBSERVANCE OF THE 103RD ANNIVERSARY OF THE
MARTYRDOM OF DR. JOSE RIZAL ON DECEMBER 30, 1999

I, **JOSEPH EJERCITO ESTRADA**, President of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 103rd death anniversary of Dr. Jose Rizal on 30 December 1999, as follows:

The Chairman, National Commission for Culture and the Arts	– Chairman
The Secretary of Education, Culture and Sports	– Co-Chairman
The Supreme Commander of the Knights of Rizal	– Co-Chairman
The Chairman and Executive Director of National Historical Institute	– Vice-Chairman
The Secretary of the Interior and Local Government	– Member
The Secretary of Public Works and Highways	– Member
The Secretary of National Defense	– Member
The Secretary of Tourism	– Member
The Secretary of Budget and Management	– Member
The Press Secretary	– Member
The Chief of Presidential Protocol	– Member
The Head of the Presidential Management Staff	– Member
The Chairman, Metropolitan Manila Development Authority	– Member
The Executive Director, National Parks Development Committee	– Member
The City Mayor of Manila	– Member
The Municipal Mayor of Calamba, Laguna	– Member
The City Mayor of Dapitan, Zamboanga del Norte	– Member
The President of the Kababaihang Rizalista	– Member

To fittingly commemorate and properly disseminate nationwide the 103rd death anniversary of Dr. Jose P. Rizal, I hereby authorize the Department of Budget and Management to release such amount from any available funds to defray necessary expenses for the 1999 commemoration activities for the martyrdom of Dr. Jose Rizal, subject to accounting and auditing procedures.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 15th day of November, in the year of Our Lord, nineteen hundred and ninety nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 96
CONSTITUTING A COORDINATING COMMITTEE FOR THE CONDUCT OF THE
PHILIPPINE PARTICIPATION IN EXPO 2000 HANNOVER, THE WORLD EXPOSITION

WHEREAS, the Philippine Government, in its desire to sustain its presence in the international community has committed to organize the Philippine participation in the EXPO 2000 Hannover by presenting the country's natural and cultural heritage and its thrust of maintaining the critical balance between sustained development and environment;

WHEREAS, the Philippine participation in the EXPO 2000 Hannover provides a major opportunity for the Philippines to present itself to the world in terms of creating awareness for its business potentials, history, and culture vis-à-vis the theme of the EXPO 2000 Hannover: "Humankind, Nature, Technology";

WHEREAS, there is a need to constitute a Coordinating Committee to organize direct and supervise the conduct of the Philippine participation during the EXPO 2000 Hannover;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Constitution of the Coordinating Committee for the Philippine Participation in EXPO 2000 Hannover. A Coordinating Committee (hereinafter referred to as the "Committee") is hereby constituted to oversee and undertake the necessary preparations for the Philippine Presentation in EXPO 2000 Hannover, to be composed of the following:

- | | |
|---|-----------------|
| a. Secretary of Trade and Industry | – Chairman |
| b. Secretary of Tourism | – Vice-Chairman |
| c. Secretary of Agriculture | – Member |
| d. Secretary of Budget and Management | – Member |
| e. Secretary of Department of Science and Technology | – Member |
| f. Secretary of Environment and Natural Resources | – Member |
| g. Secretary of Finance | – Member |
| h. Secretary of Foreign Affairs | – Member |
| i. Chairman, National Commission for Culture and Arts | – Member |
| j. Executive Secretary of the Office of the Pres. | – Member |
| k. Philippines-German Business Council | – Member |
| l. Commissioner General, Philippine participation in EXPO 2000 Hannover | – Member |

The members of the Committee from the government sector may designate their alternates preferably with the rank of Undersecretary or Assistant Secretary or the equivalent rank thereto.

SECTION 2. Functions. The Committee shall exercise the following functions and responsibilities:

-
- a. Act as the coordinating body between the private sector and various government agencies to ensure that all directives subsequently issued to the said agencies for the planning, operation and management of the Philippine Pavilion at EXPO 2000 Hannover shall be implemented;
 - b. Ensure that the economic advantages of the Philippine Presentation are maximized through a concerted and cost-effective country approach;
 - c. Select the theme, concept, and message of the Philippine participation as may be acceptable to both the Governments of the Philippines and Germany;
 - d. Ensure the safety and protection of government and personal properties, exhibit materials, and special effects needed to complete the Philippine Presentation;
 - e. Seek the assistance of and coordinate with the private sector and other non-governmental organizations, in implementing the Philippine Presentation and meeting the necessary requirements for the participation;
 - f. Call on any department, bureau, or office of the government, including Government-Owned and Controlled-Corporations to render such assistance as it may need;
 - g. Regularly check the progress of the preparations for the Philippine participation to the EXPO 2000 by monitoring the activities of the project Secretariat designated in Section 4 of this Administrative Order;
 - h. Undertake all other measures necessary for the successful participation of the Philippines at EXPO 2000 Hannover.

SECTION 3. Commissioner General. The Chairman of the Coordinating Committee for the Philippine participation in EXPO 2000 Hannover shall designate a Commissioner General of the Philippine participation in the EXPO 2000 Hannover. The Commissioner General will be the contact person of the EXPO 2000 organizers. The Commissioner General shall also perform such other functions as maybe assigned to him by the Chairman of the Coordinating Committee for the Philippine Participation in EXPO 2000 as well as other functions that may be delegated to him by the Coordinating Committee.

SECTION 4. Secretariat. The Center for International Trade Expositions and Missions (CITEM), an attached agency of the Department of Trade and Industry (DTI) shall act as the Project Secretariat.

CITEM shall service the Coordinating Committee's technical and administrative requirements. All agencies of the government represented in the Coordinating Committee may be requested to assign or detail an employee each to complement the Project Secretariat. The Project Secretariat shall also perform the following functions: –

1. Submit a quarterly report to the Coordinating Committee for the Philippine participation in EXPO 2000 Hannover on the status of our preparations for the Philippine presentation;
2. Recommend to the Chairman of the Coordinating Committee for the Philippine participation in EXPO 2000 Hannover the approval of contracts/agreements covering and related to the Philippine participation;
3. Submit a terminal report of the expenditures and other aspects of the project to the Coordinating Committee within sixty (60) days from the termination of the Project; and
4. Perform such other functions as may be assigned by the Coordinating Committee and/or its Chairman or by the Commissioner General.

SECTION 5. Funding. The amount of ONE HUNDRED FIFTY MILLION PESOS (P150,000,000.00) shall serve as the Philippine Government contribution to the Project; P100,000,000.00 of which shall be contributed by the Department of Trade and Industry (DTI) from its budget for Fiscal Years 1999

and 2000 to be spent for capital expenditures and services; P50,000,000.00 shall be sourced from the President's Contingent Fund for Fiscal Years 1999 and 2000.

The private sector shall endeavor on a best efforts basis, to raise additional funds for the EXPO 2000 project.

SECTION 6. Term of Committee. The Committee shall cease to exist upon termination of the Project in December 2000.

SECTION 7. Submission of Quarterly and Terminal Reports. The Committee shall submit to the Office of the President a report on the status of preparations for the Philippine Presentation every quarter as well as a terminal report within sixty (60) days from the termination of the Project.

SECTION 8. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 16th of November, in the year of the Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 97

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON VIGOR D. MENDOZA II,
BOARD MEMBER, LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD,
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

This resolves the complaint filed with the Presidential Commission Against Graft and Corruption (“PCAGC” or “Commission”) on November 3, 1998, by one Isagani C. Reyes, charging Vigor D. Mendoza II, a board member of the Land Transportation Franchising and Regulatory Board (LTFRB) and at that time its Officer-in-Charge, with violation of Section 3(a), Republic Act (R.A.) No. 3019, as amended, and Section 4(c), R.A. No. 6713, for issuing a memorandum dated October 29, 1998, under his sole signature, ordering the respective heads of the Technical and Legal Divisions, LTFRB, to receive all PUB applications for Certificate of Public Convenience (CPC) for routes entering Metro Manila and to set for hearing all pending cases, contrary to the Board’s existing moratorium policy thereon.

Finding sufficient basis to commence an administrative investigation against respondent, the PCAGC issued an order dated November 11, 1998, requiring him to file his answer/counter-affidavit.

On December 29, 1998, respondent filed his counter-affidavit averring the following:

1. The Memorandum in question is merely an internal office order directed to the Board’s Legal and Technical Evaluation Divisions. It merely formalizes a practice which is already being done even before he sat in office.
2. There has been no amendment to the moratorium policy. It is very much in place and effective. The questioned memorandum merely levels the playing field and establishes equality in the treatment of applications. (P. 25, Records)
3. After over a month in office, he noticed that some applications for provincial bus routes entering Metro Manila have been treated differently. There were some that were refused acceptance, others were accepted but hearing was suspended, while others were heard and eventually decided. All these were done despite the effectivity of the moratorium policy. (*Ibid.*)
4. In order to establish transparency in the handling of these cases and to afford all applicants the basic right of due process and equal protection, he issued the questioned Memorandum. (*Ibid.*)
5. Considering that the Board has in effect amended its policy by accepting, hearing and at times granting CPCs for certain cases, the Memorandum merely formalizes this practice. (*Ibid.*)
6. In summary, being an internal office order, it was well within respondent’s authority, as OIC, to issue the questioned Memorandum. It was not violative of any LTFRB or DOTC policy or circular as it never opened any provincial route nor did it lift the moratorium policy in Metro Manila. It merely formalized an

ongoing practice and enforced the constitutional rights of the applicants, whether big or small operators, to due process and equal protection which can never be subservient to any circular. It is not irregular nor illegal as the practice of the Chairperson signing Office Orders by themselves have long been in place and unquestioned. (P. 26, Records)

7. The questioned office order cannot be said to be advantageous to anyone as no one was given a CPC by virtue of the order. It only gave everybody the opportunity to be heard on the issue of the applicability of moratorium policy to their respective cases. Once the explanation is unjustified, however, the proceeding of the case are suspended. (*Ibid.*)

In its report, styled “Resolution”, the PCAGC stated as follows:

“The only issue in this case is whether or not the act of respondent in issuing the memorandum in question, referred to as Memo hereafter, violated RA No. 3019, as amended and RA No. 6713.

“Excepted from the coverage thereof were (a) applications for extensions of validity for valid and subsisting CPCs; (b) applications for approval of the sales and transfers of valid and subsisting CPCs; (c) applications for CPCs on bus routes in Metro Manila other than EDSA or any portion thereof determined by the DOTC, LTFRB and the MMDA as still deficient in transport services and not traffic congested or adversely affected by ongoing traffic rationalization policies, projects and measures. (P. 6, Records)

“Subsequently, in its . . . (MC) No. 97-009 dated August 6, 1998, the LTFRB reimposed the aforecited moratorium ‘on the acceptance, processing and resolution of all applications, including those pending, for certificates of public convenience for the operation of buses in Metro Manila and on provincial routes whether entering Metro Manila or terminating outside the periphery of the metropolis, given the fact that those issued CPCs terminating outside Metro Manila have been entering Metro Manila as far as Cubao and other points inside Metro Manila and also the difficulty of monitoring their operations to insure compliance with the terms and conditions of their franchises.’ It was also provided therein that the exceptions under MC-No. 95-013 shall remain. (Pp. 7 and 8, Records).

“The two (2) issuances involving policy matter were signed by Board Chairman Dante M. Lantin and Board Member Nabor C. Gaviola (MC No. 95-013) and by all three Board Members (MC No. 97-009), the Board being a collegial body.

“As respondent admitted in his counter-affidavit, there has been no amendment to the moratorium policy of the Board under Memorandum Circular Nos. 95-013 and 97-009 and ‘(It) is very much in place and effective’.

“Notwithstanding said admission, respondent still issued the memorandum in question under his sole signature.

“A closer look at said memorandum disclosed that whether it is an internal office order or otherwise, its net effect is a policy change effectively lifting the moratorium policy since the Board can now accept applications for CPCs routes entering Metro Manila and hold hearings for the pending applications for CPCs for said routes.

“Sec. 3 (a) of R.A. No. 3019, as amended, otherwise known as the Anti-Graft and Corruption Practices Act, provides as follows:

‘Sec. 3. Corrupt practices of public officers. – x x x, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

‘(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority x x x.’

“Likewise, it is provided in Sec. 4 (c) of R. A. No. 6713, otherwise known as the ‘Code of Conduct and Ethical Standards for Public Officials and Employees’, to wit

‘Sec. 4. Norms of Conduct of Public Officials and Employees. – (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties.’

‘x x x

‘(c) Justness and sincerity – Public officials and employees x x x shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest x x x.’

“Now, we shall peruse respondent’s justifications for issuing said memorandum.

“1. It merely formalizes an ongoing practice of the board which refused to accept some applications, accepted others but hearing was suspended, while others were heard and eventually decided despite the effectivity of the moratorium.

“To support the foregoing, respondent cited the cases of Crow Transport Services, Inc., vs. BLTB, et al. which were granted CPCs on January 13, 1998 and April 2, 1998, respectively, when the moratorium was in effect.) Pp. 34-49, Records)

“However, a reading of the Decision of the Crow case revealed that one of the considerations thereof is the recommendation of the DOTC, through Undersecretary Primitivo C. Cal, to give said application and other pending applications similarly situated favorable action. (Underscoring supplied) This shows that the action thereof was in line with the allowable exceptions under Memorandum Circular No. 95-013 rather than a disregard or effective amendment of the moratorium policy as respondent alleged.

“2. As OIC, it was within respondent’s authority to issue the memorandum in question.

“The Copies of Board issuances that respondent annexed in his counter-affidavit in support thereof (Pp. 30-32, Records), involved routine procedures of

established policies unlike the memorandum in question in subject of which is in conflict with an existing moratorium policy.

“3. To establish transparency in the handling of these cases and afford all applicants the basic right of due process and equal protection clause.

“The moratorium policy as provided in Memorandum circular Nos. 95-013 and 97-009 is clear on its coverage and exceptions. If respondent saw the need for transparency and due process, what he should have done was to issue a memorandum enjoining strict adherence to the provisions of the two memorandum circulars, if it was really his intention to keep effective the moratorium policy.

“4. It was not a violation of any LTFRB or DOTC policy as it never opened any provincial route nor did it lift the moratorium policy.

“This is an idle, if not irresponsible, statement of respondent because it is so bereft of truth. His memorandum, which was a direct order to the heads of the Board’s Technical Evaluation and Legal Divisions, effectively lifted the existing moratorium policy by opening bus routes to Metro Manila through acceptance of applications for CPC and holding of hearings therefor.

“5. It cannot be said to be advantageous to anyone as no one was given a CPC by virtue of the order.

“Respondent’s reason is beside the point. His precipitate action in issuing the memorandum in question paves the way for a climate favorable to the commission of graft to creep in as numerous bus operators fight it out over the lucrative but congested Metro Manila route, thereby compounding the already chaotic traffic situation thereat.

“It is clear from the foregoing that respondent’s justifications were far from plausible, much less credible, and that this act of issuing under his sole signature the memorandum dated October 29, 1998, which effectively amended an existing policy of the LTFRB, a collegial body, was irregular and unlawful, and constitutes grave misconduct in violation of Sec. 3 (a), R. A. No. 3019, as amended and Sec. 4 (c), R. A. No. 6713.”

In the light of the foregoing considerations, the PCAGC recommended that the respondent be dismissed from the service.

After a careful review of the records of the case, I am inclined to agree with the recommendation of the PCAGC and the premises upon which it is based.

WHEREFORE, and as recommended by the Presidential Commission against Graft and Corruption, respondent VIGOR D. MENDOZA II, Board Member, Land Transportation Franchising and Regulatory Board, Department of Transportation and Communications, is hereby **DISMISSED** from service, effective upon his receipt of this order.

SO ORDERED, NOV 23 1999

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 98

**AUTHORIZING THE PHILIPPINE INTERNATIONAL TRADING CORPORATION (PITC)
TO OPERATE AS A CUSTOMS BONDED WAREHOUSE SOLELY FOR THE PURPOSE OF
IMPORTING SUGAR FOR FOOD EXPORTERS**

WHEREAS, the Export Development Council as provided under RA 7844 shall mandate specific departments and agencies to attend to the bottlenecks and problems constraining the development of exports;

WHEREAS, streamlining export procedures and documentation has been identified as one of the strategies to create a favorable environment for export promotion;

WHEREAS, food exporters are suffering from the long-standing problems on the supply, unstable price and quality of domestic sugar compelling them to import tax and duty-free through Customs Bonded Warehouses;

WHEREAS, the Sugar Regulatory Administration (SRA), Export Development Council (EDC), Bureau of Customs (BOC), Philippine International Trading Corporation (PITC), and Philippine Exporters Confederation (PHILEXPORT), the EDC accredited organization, agreed to allocate annually a minimal volume of sugar for food exporters through the PITC Bonded Warehouse;

WHEREAS, the PITC is a corporation duly organized and existing under the Department of Trade and Industry and by virtue of the laws of the Philippines mandated to assist exporters to enhance export performance.

NOW, THEREFORE, I, JOSEPH M. EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. The PITC shall operate a Special Customs Bonded Warehouse (SCBW) solely for the importation of refined sugar by food exporters, the operating guidelines of which is attached as Annex A;

SECTION 2. The SRA shall allocate annually the volume of sugar to be imported for processed food exporters through the PITC;

SECTION 3. The creation of the Committee on Sugar Importation for export which shall be composed of the EDC, PITC, BOC, SRA, and PHILEXPORT with the following functions:

1. Monitor importation and liquidation of sugar used by processed food exporters;
2. Accredited processed food exporters for the purpose of using the PITC-SCBW; and
3. Recommend revisions in the procedures for importation.

IN WITNESS WHEREOF, I have hereunto set my hands and caused the seal of the Republic of the Philippines to be affixed.

DONE in the City of Manila, this 28th day of October, in the year of our Lord Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 99
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
ATTY. YOLANDA O. ALFONSO, REGISTER OF DEEDS, CALOOCAN CITY

This refers to the administrative complaint initiated by Administrator Alfredo R. Enriquez, Land Registration Authority (LRA), against ATTY. YOLANDA O. ALFONSO and MR. NORBERTO VASQUEZ, JR., Register of Deeds and Deputy Register of Deeds of Caloocan City, respectively, for, among other charges, grave misconduct and dishonesty relative to their alleged participation in the land titling irregularities affecting properties located within the Maysilo Estate, covered by Original Certificate of Title (OCT) No. 994. The charges stemmed from Senate Committee Report No. 1031 and the letter-complaints of Phil-Ville Development and Housing Corporation (Phil-Ville, for short) dated 7 June 1997 and 2 December 1997.

Respondents were directed to show cause why no administrative action should be taken against them. Pending investigation, respondents were relieved of their assignments and were ordered to report to the Clerks of Court Division of the LRA.

To expedite the proceedings, the parties agreed to submit the case for resolution after the issues were simplified, facts stipulated and evidence admitted. The parties also submitted their respective memoranda.

Inasmuch as Deputy Register of Deeds Norberto Vasquez, Jr. is not a presidential appointee, only the complaint against respondent Alfonso shall be resolved.

I. Per Senate Committee Report No. 1031, respondent Alfonso issued Transfer Certificate of Title (TCT) Nos. 314535, 314536 and 314537 in the name of Eleuteria Rivera which bear a wrong date of registration of OCT No. 994 on September 12, 1996, notwithstanding the following:

- a. She had previously issued certificates of title in the name of other individuals derived from OCT No. 994 dated May 3, 1917.
- b. She had in fact questioned the falsity of April 19, 1917 as the date of registration of OCT No. 994.
- c. There are perceptible erasures in the said TCTs in the name of Eleuteria Rivera in the space on which April 19, 1917 was written, apparently removing the date May 3, 1917.
- d. She has knowledge of the report of the LRA Verification Committee as manifested by her referral on March 20, 1996 of the application of Ms. Roquieta Dimson for a new certificate of title.

“The LRA Verification Committee has previously reported that the issuance of titles in the name of Jose Dimson was irregular and the titles issued were void ab initio, since the properties covered by said titles are already titled properties.”

- e. On May 2, 1996, she wrote a letter to the Administrator, thru the Director of the Legal Affairs Department, expressing her concern on the request for annotation of *lis pendens* by Ms. Roquieta Dimson on Mt. Carmel Farms Inc's title derived from OCT No. 994, which request is predicated on the Supreme Court ruling in MWSS vs. Court of Appeals which stated that there are two OCT No. 994 issued on Maysilo Estate dated March 3, 1917 and April 19, 1917.
- f. On September 15, 1993, she issued TCT Nos. 270921, 270922 and 270923 in the name of Phil-Ville wherein she certified that said land was originally registered on the 3rd day of May 1917 in the Registration Book of the Register of Deeds of Rizal as OCT No. 994 pursuant to Decree No. 36455.
- g. On August 12, 1996, she issued TCT No. C-312804 in the name of her children, namely: Arnold, Rachel, Yvette, Dennis and Cherry wherein she certified that said land was originally registered on the 19th day of April 1917. The lot registered in the name of her children came from Norma Dimson Tirado, daughter of Jose B. Dimson, whose title she already knew was *void ab initio*.
- h. On September 20, 1996, in her reply to the query of Ms. Cecilia Que Yabut, Managing Director of Phil-Ville, respondent Alfonso stated that OCT No. 994 was issued pursuant to Decree No. 36455 dated April 19, 1917; that the date of transcription of said decree at the Office of the Register of Deeds of Pasig, Rizal was May 3, 1917; that as far as their record is concerned, there is only one OCT 994 on file with said registry and that the same can be verified from the OCT No. 994 on file at the Caloocan registry.

II. As per letter-complaints of Phil-Ville –

1. Respondent Alfonso issued TCT Nos. 314535, 314536 and 314537 in the name of Eleuteria Rivera wherein she (Alfonso) certified that OCT No. 994 was originally registered on April 19, 1917 contrary to her letter to Phil-Ville dated September 20, 1996 and to then LRA Administrator Maulit dated March 31, 1996, respectively, which states that OCT No. 994 was originally registered on May 3, 1917. Furthermore, Phil-Ville claims that the Eleuteria Rivera titles overlap titled properties owned by LCM Theatrical Enterprises covered by TCT No. 111236 and Bonifacio Center, Inc. covered by TCT No. 103548;
2. Respondent Alfonso issued TCT No. 314537 in the name of Eleuteria Rivera for Lot 23, allegedly a portion of Maysilo Estate in the absence of the following:
 - a. The presentation of a subdivision plan duly approved by the LRA or by the Lands Management Bureau prior to the issuance of the subject title in violation of Sections 50 and 58 of Presidential Decree (P.D.) 1529 which provide, to wit:

“Sec. 50. Subdivision and consolidation plans. – Any owner subdividing a tract of registered land into lots which do not constitute a subdivision project as defined and provided for under P.D. No. 957, shall file with the Commissioner of Land Registration or with the Bureau of Lands subdivision plan of such land on which all boundaries, street, passageways and waterways, if any, shall be distinctly and accurately delineated.

xxx

xxx

xxx.

The Commission may not order or cause any change, modification, or amendment in the contents of any certificate of title, or of any decree or plan, including the technical description therein, covering any real property registered under the Torrens system, nor order the cancellation of the said certificate of title and the issuance of a new one which would result in the enlargement of the area covered by the certificate of title.”

“Sec. 58. Procedure where conveyance involves portion of land. – If a deed of conveyance is for a part only of the land described in the certificate of title, the Register of Deeds shall not enter any transfer certificate to the grantee until a plan of such land showing all the portions or lots into which it has been subdivided and the corresponding technical descriptions shall have been verified and approved pursuant to Section 50 of the Decree. Meanwhile, such deed may only be annotated by way of memorandum upon the grantor’s certificate of title, original and duplicate, such memorandum to serve as a notice to third persons of the fact that certain unsegregated portion of the land described therein has been conveyed, and every certificate with such memorandum shall be effectual for the purpose of showing the grantee’s title to the portion conveyed to him, pending the actual issuance of the corresponding certificate in his name.”

- b. The presentation of the owner’s duplicate copy which is in violation of Section 53 of P.D. 1529; and
 - c. The presentation of tax declaration, real estate tax clearance and estate tax.
3. Respondent Alfonso issued TCT No. C-314537 for Lot 23, allegedly a portion of Maysilo Estate, as a direct transfer from OCT 994, but OCT 994 does not have a Lot 23. It is claimed that said issuance resulted to damage to Phil-Ville whose properties covered by TCT Nos. 270921, 270922 and 270923, which are part of Lot 23 of Maysilo Estate, are now being claimed by Rivera.
 4. Respondent Alfonso committed falsification, as the true date of the registration of OCT 994 – which is May 3, 1917 – was altered to April 19, 1917.

The principal issues to be resolved in this case are:

1. Whether or not respondents issued conflicting “certifications” in the date of issuance of OCT No. 994, one for April 19, 1917 and the other for May 3, 1917;
2. Whether or not respondent had made it appear that there are two OCT Nos. 994, one registered on April 19, 1917 and the other registered on May 3, 1917;
3. Whether or not there was malice, fraud or bad faith in issuing “certifications” for the titles of Eleuteria Rivera; and
4. Whether or not as a result of the conflicting “certifications” complainant suffered damages.

In her comment/answer dated July 20, 1998, respondent Alfonso denies having issued conflicting “certifications” relative to the date of issuance of OCT 994, clarifying that the “certifications” referred to are actually the “entries” contained in the Transfer Certificates of Title pertaining to the historical origin of OCT No. 994. She claims that she did not violate any law despite having issued titles with conflicting entries as she merely performed her ministerial duty to carry over the date of registration

of OCT No. 994 as it appears on the derivative title to the title that she is to issue consequent to the transaction involved; and that even if she has knowledge of the true date of registration of OCT No. 994, she does not have the authority to put the correct date in the titles.

The posture assumed above by respondent Alfonso was followed *vis-a-vis* her “certifications” in the titles registered in the names of her children, Phil-Ville, and Lourdes Gonzaga, et. al. The entries were merely carried over in the subsequent titles pursuant to Section 43 of PD 1529 (The Property Registration Decree) which states:

“Sec. 43. Transfer Certificate of Title. – x x x The certificate shall show the number of the next previous certificate covering the same land, and also the fact that it was originally registered giving the record number, the number of the original certificate of title, and the volume and page of the registration book in which the latter is found.”

Respondent Alfonso, however, deviated from the above procedure in the issuance of TCT Nos. C-314535, C-314536 and C-314537 in the name of Eleuteria Rivera. Being direct transfers from OCT No. 994, the aforesaid Rivera titles should have contained entries that OCT No. 994 was registered on May 3, 1917 inasmuch as this is the correct date of registration of the said OCT. The date appearing as the date of registration of OCT 994 in the Rivera titles has been changed to April 19, 1917.

Respondent Alfonso maintains that the said alteration of the date of registration of OCT 994 was the sole responsibility of Deputy Register of Deeds Norberto Vasquez, Jr. who ordered the said alteration pursuant to the Supreme Court decision in *Metropolitan Waterworks and Sewerage System vs. The Court of Appeals, et al.*, GR No. 103556, 17 November 1992. She claims that the preparation of transfer certificates of title is essentially a mechanical endeavor with the typist automatically adopting the entries in the titles to be cancelled. To examine the entry, according to her, citing the case of *Arias vs. Sandiganbayan* (180 SCRA 309), is no different from proof reading which can be best left to subordinates. To further support her claim of innocence in the alteration, respondent Alfonso said that upon discovery thereof, she issued several memoranda requiring her subordinates who have participated in the preparation of the Rivera titles to explain why the alteration was made. It should be noted, however, that the memoranda were issued after she signed the Rivera titles.

In his letter-report dated June 14, 1999, the Secretary of Justice stated:

“It is true that respondent Alfonso could not be faulted for carrying over to TCT No. 312804 an erroneous date of registration of OCT 994 inasmuch as the title from which it was derived from likewise bear the said erroneous date of registration. However, the mere fact that she consented to the acquisition of the property and signed and issued on 12 August 1996 TCT 312804 in the name of her children adopting 19 April 1917 as the date of registration of OCT 994 knowing the same to be erroneous as shown by her 20 March 1996 referral of Ms. Roquieta Dimson’s application for issuance of certificate of title citing therein the LRA Verification Committee report is a clear case of dishonesty, malice and bad faith. This is also a clear violation of the Code of Conduct for Public Officials and Employees prohibiting government officials and employees from having any interest in a transaction requiring their approval.”

“In this connection, the NBI Report dated 22 April 1997 regarding its investigation of the complaint of one Danilo Bonifacio against respondent for

violation of the Anti-Graft and Corrupt Practices Act, Code of Ethical Standards for Government Employees, Direct Bribery, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service in relation to the issuance of the Transfer Certificates of Title to Eleuteria Rivera, subject matter of this case, could not be ignored. Complainant therein alleged that respondent Alfonso demanded from them P6 Million to expedite release of the TCTs; that they gave a total of P3 Million, P500,000.00 of which was in Security Bank Check No. 0155105 (Caloocan Branch) payable to Cash which was personally handed to respondent; [That] said check was encashed on 22 January 1997 by an unidentified person with address at 34 Assets St., GSIS Village, Quezon City with Telephone No. 927897. The address corresponds to the address of respondent Alfonso. Based on this, among others, the Bureau recommended the prosecution of respondent for direct bribery, violation of Section 4 of R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees) and violation of Section 3(b) of R.A. 3019 (Anti-Graft and Corrupt Practices Act).

“Moreover, respondent Alfonso also violated the provisions of Sections 50, 58 and 92 of P.D. 1529 for failure to require the presentation of (1) the subdivision plan duly approved by the Land Registration Authority or by the Land Management Bureau; and (2) proof of payment of estate or inheritance tax.

“The non-presentation of the owner’s duplicate copy of OCT 994 has been satisfactorily explained by respondent Alfonso as the said presentation was dispensed with by an order of the court.”

“For her failure to require the presentation of a subdivision plan for the three titles of Eleuteria Rivera, respondent Alfonso claims that inasmuch as the issuance of the titles is pursuant to a court order, Sections 50 and 58 of P.D. 1529 do not apply. Said contention of respondent Alfonso is without merit as said sections apply as long as the title to be issued covers only a portion of a bigger tract of land. The presentation of a duly approved subdivision plan is necessary in order to delineate the particular portion of the lot being covered by the new title. Had respondent Alfonso required the presentation of an approved subdivision plan, she could have discovered the defects in the titling of the Rivera property and could have manifested the same in court.

“As to the question regarding the presentation of proof of payment of inheritance tax, respondent Alfonso claims that no inheritance tax is due on the estate simply because there is no inheritance involved as the titles were issued pursuant to a court order in a judicial partition and the adjudicatee Eleuteria Rivera is very much alive at the time of issuance. Again, this deserves scant consideration. It does not matter whether Eleuteria Rivera is alive or not because the subject matter of the inheritance tax is not the estate of Eleuteria Rivera but the transfer of property covered by the subject titles by way of inheritance from the predecessor and alleged parent Maria Concepcion Vidal to the heir who is Eleuteria Rivera.

“As to the issue of whether complainant suffered damages as a result of the actions of the respondents, Phil-Ville claims that it suffered damage as a result of the issuance of the Rivera titles particularly TCT No. 314537 allegedly for Lot 23 of OCT 994 as the said title is now being used by the heirs of Rivera in claiming the properties of Phil-Ville covered by TCT Nos. 270921, 270922 and 270923.

“According to LRA, the mere fact that Phil-Ville was compelled to file Civil Case No. C-507 entitled ‘Phil-Ville Development vs. Maximo R. Bonifacio et al.’ in order to protect its property from the claims of the heirs of Rivera clearly indicates that it has suffered damage. The greater damage of course is the doubt that has been cast upon the integrity of the Torrens system.”

On the basis of the foregoing considerations, the Secretary of Justice recommend the dismissal of respondent Alfonso from the service.

The findings and recommendation of the Secretary of Justice are well taken.

It cannot be overemphasized that to officials like respondent Alfonso, belong at the first instant the task of protecting the integrity of a Torrens Title and the Torrens System itself. But far from safeguarding the integrity of the Torrens System, respondent Alfonso undermined the same by disregarding certain provisions of law envisaged to preserve the effectivity of the system. In the process, she virtually compelled certain individuals holding separate Torrens title to litigate at great expense and inconvenience to protect their right represented by their certificates of title. And to think that a title issued under the Torrens system enjoys the conclusive presumption of validity (Ramos vs. Rodriguez, 244 SCRA 418).

Not to be overlooked is the fact that respondent Alfonso *prima facie* appears to have exacted a substantial sum from one Danilo Bonifacio to expedite the release a certificate of title. While respondent has yet to be convicted of the crime of bribery and/or corrupt practice, the very fact that the check issued by Bonifacio, – the smoking pistol, so to speak, – was encashed by someone residing at the home address of respondent Alfonso, speaks much of her culpability. If only for this hard reality, respondent Alfonso should be separated from the government service.

WHEREFORE, in view of the foregoing and as recommended by the Secretary of Justice, respondent Yolanda O. Alfonso, Register of Deeds, Caloocan City is hereby DISMISSED from the service with all necessary accessory penalties, effective upon her receipt hereof.

Done in the City of Manila, this 29th day of November, in the year of our Lord, nineteen hundred and ninety-nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 100

**DIRECTING THE SUSPENSION OF THE HIRING OF NEW PERSONNEL FOR PURPOSES
OF GENERATING THE ADDITIONAL FUNDS FOR THE IMPLEMENTATION OF THE 10%
ACROSS-THE-BOARD SALARY INCREASE FOR FISCAL YEAR 2000**

WHEREAS, the budgetary requirements of the 10% across-the-board salary increase effective January 1, 2000 would involve about P13.2 Billion;

WHEREAS, the amount incorporated in the Year 2000 National Expenditure Program could only cover the months of September 2000 to December 2000;

WHEREAS, additional sources of funds is needed for the implementation of the said salary increase effective January 1, 2000;

WHEREAS, there is also an urgent need to impose restrictions on the hiring of new personnel in the national government to contain the growth of government manpower level and maintain a lean and productive workforce by optimizing the services of existing government personnel;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the suspension of the hiring of new personnel in accordance with the following provisions:

Section 1. Coverage. This Order shall apply to all positions in all departments and agencies of the Executive Branch, including government-owned and/or -controlled corporations (GOCCs) and state universities and colleges (SUCs).

The Legislative and Judicial Branches of Government, including Local Government Units, are encouraged to adopt the provisions of this Order at their own respective discretion.

Section 2. Prohibition. The hiring of new personnel whether on a permanent, temporary, substitute, co-terminous, contractual or casual status, is hereby suspended, except for key positions, teaching, and uniformed personnel in the Philippine National Police, Bureau of Fire Protection and Bureau of Jail Management and Penology.

This prohibition shall not apply to employees transferring from one department, agency, GOCC or SUC to another as covered by this Order.

Section 3. Non-Release of Funds. Except with respect to the requirements of the positions exempted from the aforecited prohibition, no amount shall be released for the purpose of hiring new personnel.

Section 4. Rules and Regulations. The Department of Budget and Management shall issue the necessary rules and regulations for the effective implementation of this Administrative Order.

Section 5. Agency Head Responsibility. Department Secretaries and agency heads shall be responsible for the strict implementation of this Order.

Section 6. Repealing Clause. All executive orders, other executive issuances or parts thereof which are inconsistent with this Administrative Order are hereby superseded and/or modified accordingly.

Section 7. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 1st day of December, in the Year of Our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 101

DIRECTING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, THE DEPARTMENT OF EDUCATION, CULTURE & SPORTS, AND THE COMMISSION ON HIGHER EDUCATION TO PROVIDE FOR ARCHITECTURAL FACILITIES OR STRUCTURAL FEATURES FOR DISABLED PERSONS IN ALL STATE COLLEGES, UNIVERSITIES AND OTHER PUBLIC BUILDINGS

WHEREAS, on December 3, 1999, the International Year for Disabled Persons will be celebrated;

WHEREAS, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, has sought to promote the realization of the rights of disabled persons to participate fully in social life, and equalize the enjoyment of opportunities available to other citizens, by enhancing the mobility of said sector of society;

WHEREAS, Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons provides for the rehabilitation, self-development, and self-reliance of disabled persons and their integration into the mainstream of society;

WHEREAS, in celebrating the International Year for Disabled Persons, there is a need to institute a tangible program to fully realize the objectives set forth in the aforecited statutes;

WHEREAS, the activities or programs initiated to mark the celebration of the milestones achieved for this heretofore marginalized sector will focus international recognition and goodwill to the country;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. *Provision of Architectural Facilities and Structural Features for Disabled Persons.* The Department of Public Works and Highways, in coordination with the Department of Education, Culture & Sports and the Commission on Higher Education, is hereby directed to set up the necessary architectural facilities and/or structural features to promote accessibility and mobility for disabled persons in state colleges and universities, public schools, and other public buildings.

These architectural facilities and/or structural features include, but are not limited to, access ramps, handrails, parking spaces, and toilet & restroom facilities.

Sec. 2. *Funding.* Funds necessary to immediately carry out the provisions of this Administrative Order shall be sourced by the Department of Budget and Management from available sources, upon submission by the Department of Public Works and Highways and the concerned agencies of the Work and Financial Plan to the Department of Budget and Management.

Sec. 3. *Repealing Clause.* All orders, issuances, or parts thereof inconsistent with this Administrative Order are hereby repealed or modified accordingly.

Sec. 4. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 29th day of November, in the year of our Lord, Nineteen Hundred and Ninety-Nine.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 102
IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE FOR SIX (6) MONTHS WITHOUT
PAY ON GOVERNOR DOMINADOR T. BELAC OF THE PROVINCE OF KALINGA.

This refers to the verified administrative complaint of Richard Abadilla and seven other members of the Sangguniang Panlalawigan of Kalinga against Governor Dominador T. Belac of the same province, for alleged acts of misconduct in office, dishonesty and abuse of authority, arising from the purchase of his service vehicle, a Nissan Safari.

Complainants alleged that the irregular purchase of respondent's service vehicle was consummated with the use of a falsified document and was made in violation of prescribed rules regarding the purchase of government vehicle. They likewise averred that the purchase was done in cahoots with other government officials of the province.

In answer, respondent contends, *inter alia*, that the purchase of the service vehicle for the use of the Office of the Governor was based on necessity, made in good faith and in consonance with law; that the purchase was legal in all aspects and with the knowledge and consent of the Committee on Finance and Appropriation; that the authority to secure a loan for the purpose was unanimously approved by the said committee; that complainants disapproved the authority to secure a loan for reasons known only to them and that complainants are in bad faith, having induced the Local Finance Committee to make the necessary payment only to repudiate the authority later.

As Investigating Authority, the Department of the Interior and Local Government (DILG) conducted several hearings, after which it submitted its report.

As gathered from both the testimonial and documentary evidence submitted by the parties, it was established that on July 6, 1998, respondent, in his personal capacity, bought a 1998 model Nissan Patrol Safari complete with accessories for P1,585,000.00 from the Royce Motor Center, Inc. and paid a down payment of P600,000.00 (Exhibit "QQ" - Sales Invoice No. 5357 dated July 6, 1998), with the balance payable in six months at P165,000.00 per month; that when the first monthly installment became due and demandable, respondent defaulted (page 19 TSN of July 21, 1999) and on August 17, 1998 respondent requested the Sangguniang Panlalawigan for the realignment of the amount of P200,000.00 from the Roads and Bridges Fund to Capital Outlay to pay the monthly amortization of the vehicle (Exhibit "K") which request was denied; that upon denial of the request for realignment, respondent, on August 26, 1998, wrote Vice-Governor Jocel C. Baac requesting from the Sangguniang Panlalawigan authority to secure a loan from the Development Bank of the Philippines (DBP) for the purchase of one service vehicle (Exhibit "3" and "3-A"); that the request was referred to the Committee on Finance and Appropriation on September 4, 1998, which committee, after consultation and deliberation with the Provincial Budget Officer, Provincial Treasurer and Provincial Accountant recommended that (1) a resolution be adopted authorizing the Provincial Treasurer to open a depository account with DBP Tabuk branch in the amount of P2.5 million; 2) a resolution be adopted authorizing the Provincial Governor to secure a loan to pay for the service vehicle in the amount of P1.5 million, and 3) the re-alignment of the amount of P200,000.00 from any source to augment the additional cost of insurance, and other expenses to complete the purchase (Exhibit "F"); that the Advice of Allotment was prepared on September 3, 1998 (Exhibits "H" and "9"); that on

September 4, 1998, the Request for Obligation and Allotment (ROA) [Exhibits “W” and “151”], Purchase Request [Exhibits “BB” and “11”], Purchase Order (Exhibits “Z” and “12”), Disbursement Voucher (Exhibit “X”), Delivery and Inspection Report (Exhibit “AA”), Land Bank Check No. 0000126591 (Exhibit “E”) and Royce Motor Official Receipt (Exhibit “TT”) were all prepared; and that when the Sangguniang Panlalawigan came to know that the purchase of the vehicle was already consummated, it denied further action on the request of the respondent for authority to secure a loan and later conducted an inquiry on the matter.

The main issue to be resolved in this case is whether or not respondent, in consummating the purchase of the questioned motor vehicle, acted with the intention of concealing or distorting the truth that indeed there was no appropriation ordinance for the purchase of the vehicle.

My findings are in the affirmative.

It must be emphasized that the procurement of equipment by government agencies including local government units is governed by pertinent laws and prescribed rules and regulations. Assuming that funds are available, the basic steps or procedures for the procurement of equipment are as follows: 1) Preparation of Purchase Request. The head of office needing the equipment shall certify as to their necessity for official use and specify the project or activity where the equipment are to be used (Sec. 359, Local Government Code). Every purchase request must be accompanied by a certificate signed by the local Budget Officer, the local Accountant and the local Treasurer showing that an appropriation therefor exists, that the estimated amount of such expenditures has been obligated, and that the funds are available for the purpose, respectively (Sec. 360, *ibid*); 2) Approval of the Purchase Request. In local government units, purchase requests are approved by the head of office or department concerned which has administrative control of the appropriation against which the proposed expenditure is chargeable (See Sec. 361 *ibid*). 3) Preparation of Certificate of Availability of Funds. The Certificate of Availability of Funds is the certification made by the Chief Accountant of the agency or his duly authorized representative that funds have been duly appropriated/allotted for the purpose of entering into a contract involving expenditures of public funds and that the amount necessary to cover the proposed contract for the current fiscal year is available for expenditure; 4) Preparation of Purchase Order. The Purchase Order is the document evidencing a transaction for the purchase of supplies and materials; 5) Approval of the Purchase Order. The Purchase Order shall be delivered by the Agency Official authorized for the purpose and within the limits of his authority; 6) Delivery of Purchase Order. The Purchase Order shall be delivered by the Agency Official concerned to the supplier within a reasonable time after its approval; 7) Delivery of Items. Deliveries of materials being ordered must be made by the supplier in accordance with the specifications, terms and conditions provided in the purchase order; 8) Inspection of Item. Purchases made by the agency must be inspected and verified by their authorized inspector for conformity with specifications in the order; 9) Preparation of Certificate of Acceptance. Acceptance of deliveries may be made only if the supplies and materials delivered conform with the standards and specification stated in the contract; and 10) Preparation of the Voucher. After the acceptance and inspection of delivery of the items comes the preparation of the voucher.

Testing the above-enumerated steps against the transaction subject of the instant case, it would seem that there was compliance. However, a closer scrutiny of the transaction will show otherwise.

We start with the lack of the required appropriation ordinance or resolution to support the purchase of the subject vehicle. As borne out by the records, the entry 97-04 under the column of Appropriation Ordinance in the Advice of Allotment spawned the series of acts culminating in the purchase of the subject vehicle. It provided the information that appropriate funds existed for the purpose when there was none. The Provincial Budget Officer, the Provincial Treasurer, the Provincial

Accountant and the respondent were all aware that when the Advice of Allotment and the other documents related to the transaction were prepared, there was neither an appropriation ordinance nor resolution passed by the Sangguniang Panlalawigan for the purchase of the vehicle.

Be it noted that Appropriation Ordinance No. 97-04 was the ordinance for the budget of the year 1998 or current obligation. The column in said ordinance under the Advice of Allotment dated September 3, 1998 was filled up only to facilitate the transaction and to make it appear that the transaction was duly supported by an appropriation ordinance. Respondent's justification that the questioned entry of 97-04 in the Advice of Allotment was a mistake is a very flimsy defense. All along, respondent's wrongful intent could not have succeeded if no appropriation ordinance number was mentioned in the advice. Hence, to facilitate the transaction and to make it appear that there was a color of legitimacy in the purchase, the numbers "97-04" was conveniently cited. This scheme, however, must not be allowed to pass over. Even that part of the defense of respondent that there was a verbal resolution or appropriation for the purpose cannot hold water because this has no factual basis. The recommendation of the committee on finance and appropriation was only to grant the request of the respondent for authority to secure a loan from the DBP Tabuk Branch. The aforesaid recommendation is what respondent is banking on as the verbal resolution or appropriation which is not the case. Appropriation Ordinance No. 97-04 which was indicated in the Advice of Allotment, refers to an "Ordinance Providing for the Salaries of Officials and Personnel of the Province of Kalinga for the Period of January 1, 1998 to December 31, 1998 and for other Purposes."

Another point. Respondent kept on harping that the amount used in the transaction came from an unappropriated fund. Assuming this to be correct, a resolution or appropriation ordinance is still needed. Section 305 (a) of the Local Government Code provides that no money shall be paid out of the local treasury except in pursuance of an appropriation ordinance or law.

The Notice of Suspension (Exhibit "Q") on the transaction issued by the Provincial Auditor is significant. It indicates that respondent certified a given expense as necessary and lawful, when in truth and in fact it was not.

Finally, there can be no quibbling that respondent acted in evident bad faith. Evident bad faith implies a dishonest purpose in the performance of one's duty; a breach of some known duty through some motive or interest or ill will. It partakes of the nature of fraud. (*Board of Liquidators vs. Kalaw*, 20 SCRA 987). In the instant case, it is very clear that respondent knew all along that there was no appropriation, resolution or ordinance for the purchase of the vehicle. Yet he closed his eyes to this reality and proceeded with the purchase of the vehicle on the basis of a fake entry on the Advice of Allotment. For this, he must be penalized.

WHEREFORE, as recommended by the Department of the Interior and Local Government respondent is found guilty of dishonesty and is hereby meted the penalty of six (6) months suspension from office without pay, effective upon receipt hereof.

Done in the City of Manila, this 16th day of December, 1999.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (1999). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 103
REORGANIZING THE COORDINATING COUNCIL FOR PRIVATE SECTOR PARTICIPATION

WHEREAS, the CCPAP was converted into the Coordinating Council for Private Sector Participation (CCPSP) under Administrative Order No. 67, s. of 1999 to enhance private sector participation in infrastructure projects;

WHEREAS, the Presidential Committee on Flagship Programs and Project (Flagship Committee) was created under Administrative Order No. 109, s. of 1994 to orchestrate the identification, prioritization and implementation of flagship programs and projects;

WHEREAS, there is need for greater coordination between the Flagship Committee and the CCPSP;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Section 1 of Administrative Order No. 67, s. of 1999 is hereby amended to read as follows:

“SECTION 1. Reorganization of the Coordinating Council of the Philippine Assistance Program – The Coordinating Council of the Philippine Assistance Program shall be converted into the Coordinating Council for Private Sector Participation, hereinafter referred to as the Council, and shall be composed of the following:

- The Chairman, Presidential Committee on Flagship Programs and Projects
- The Secretary of Socio-Economic Planning
- The Secretary of Foreign Affairs
- The Secretary of Justice
- The Secretary of Agriculture
- The Secretary of Public Works and Highways
- The Secretary of Trade and Industry
- The Secretary of Energy
- The Secretary of Interior and Local Government
- The Secretary of Finance
- The Executive Secretary
- The Secretary of Transportation and Communications
- The Secretary of Budget and Management
- The Governor, Bangko Sentral ng Pilipinas
- The Representative of the Senate to be designated by the Senate President
- The Representative of the House of Representatives to be designated by the Speaker of the House
- Four representatives from the private sector to be appointed by the President

The Council may invite any individual or call any department, bureaus, offices and instrumentalities of the government for appropriate assistance.”

Section 2. Section 2 of Administrative Order No. 67 is hereby amended to read as follows:

“SECTION 2. The Chairman and the Secretary. – The Chairman of the Presidential Committee on Flagship Programs and Projects shall serve as the ex-officio Chairman of the Council. The Secretary of the Council shall be the Executive Director, with the rank of Undersecretary, of the Technical Secretariat to the Council, who shall be appointed by the President of the Philippines.”

Section 3. Administrative Order No. 105, s. of 1989, Administrative Order No. 259, s. of 1992 and Administrative Order No. 67, s. of 1999 are hereby amended or revoked accordingly. All issuances not inconsistent with this Administrative Order shall continue to be in full force and effect.

Section 4. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of January, in the Year of Our Lord, twenty hundred.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 104
STRENGTHENING THE PROJECT FACILITATION FUNCTION OF THE PRESIDENTIAL
COMMITTEE ON FLAGSHIP PROGRAMS AND PROJECTS

WHEREAS, there has been significant delay in the implementation of many foreign assisted projects;

WHEREAS, the Presidential Committee on Flagship Programs and Project was created under Administrative Order No. 109, s. of 1994 to orchestrate the identification, prioritization and implementation of flagship programs and projects;

WHEREAS, there is need to achieve efficient and effective coordination in the monitoring and implementation of various foreign assisted projects by placing it under the control and supervision of one office.

WHEREAS, there is need to strengthen the over-all project facilitation function of the Flagship Committee by expanding its area of coverage to include all foreign assisted projects;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Section 2 of Administrative Order No. 109, s. of 1994 is hereby amended to read as follows:

“**SECTION 2. Composition.** The Committee shall be composed of the following:

Presidential Adviser on Economic Affairs	– Chairman
Secretary, Department of Budget & Management	– Member
Secretary, Department of Public Works and Highways	– Member
Secretary, Department of Transportation and Communications	– Member
Secretary, Department of Agriculture	– Member
Secretary, Department of Trade and Industry	– Member
Secretary, Department of Tourism	– Member
Director-General, National Economic and Development Authority	– Member
Secretary, Department of Energy	– Member
Secretary, Department of Interior and Local Government”	– Member

Section 2. Section 3 of Administrative Order No. 109, s. of 1994 is hereby amended as follows:

“**SECTION 3. Mandate.** The Committee is hereby mandated to orchestrate the identification, prioritization and implementation of flagship programs and projects. For this purpose, flagship shall refer to highly strategic infrastructure programs and projects approved by the President, including all foreign assisted programs and projects.”

Section 3. Section 5 of Administrative Order No. 109, s. of 1999 is hereby amended to read as follows:

“SECTION 5. **Technical Secretariat.** The Committee shall have a Secretariat, which shall provide technical and administrative support to the Committee. It shall also have the power to engage the services of consultants as may be necessary, to support its project facilitation functions. The Flagship Committee shall be exempt from the provisions of Administrative Order No. 70 and 100 dated June 17, 1999 and December 1, 1999, respectively. The Committee shall undertake close coordination and collaboration with the National Economic and Development Authority in the performance of its functions.”

Section 4. All issuance and provisions thereof not inconsistent with this Administrative Order shall continue to be in full force and effect.

Section 5. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 6th day of January, in the Year of Our Lord, twenty hundred.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 105
IMPOSING THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY ON
ASSISTANT PROVINCIAL PROSECUTOR ABRAHAM F. DATLAG OF THE PROVINCIAL
PROSECUTION OFFICE OF LA UNION FOR CONDUCT PREJUDICIAL TO
THE BEST INTEREST OF THE SERVICE.

This refers to the administrative complaint filed against Assistant Provincial Prosecutor Abraham F. Datlag of the Office of the Provincial Prosecutor of La Union by Ricardo Aveno and Beatriz Ladia.

The complaint arose from the alleged bias of respondent prosecutor against the complainants' daughter, Perla Ladia, the private complainant in Criminal Cases Nos. 3573–3577 for rape (four [4] counts) and violation of Republic Act No. 7610 (one [1] count), which she earlier filed against a certain David Garcia with the Provincial Prosecutor of La Union. In their joint *Simumpaang Salaysay* dated April 13, 1998, complainants Aveno and Ladia alleged, among other things, that during the investigation of Criminal Cases No. 3573-3577, respondent prosecutor uttered the words “Masyadong mabigat ang inihain na kaso nguni’t ang salaysay ng bata ay mahina. Mahirap lamang kayo, nangangailangan ang kaso ng malaking pambayad sa abugado.” They further alleged that respondent prosecutor had prejudged the cases in favor of Garcia by advising their daughter as follows: “Walang nangyaring panggagahasa. Kung kayo ay alukin ng P30,000.00 hanggang P50,000.00 ay tanggapin na ninyo. Makakatulong na sa inyo iyan at kayo ay nasa mahirap na kalagayan.”

Respondent prosecutor denied the accusation, alleging that the complaint is a plain harassment suit that was prompted by his dismissal of Perla Ladia’s rape charges.

On January 7, 1999, the Department of Justice instituted a formal charge for conduct prejudicial to the best interest of the service against respondent prosecutor. Shortly thereafter, hearings were conducted during which time Perla Ladia testified that respondent prosecutor indeed showed bias against her by uttering during the investigation of Criminal Cases No. 3573-3577 the words adverted to earlier. The complainants, for their part, affirmed their *Simumpaang Salaysay* and corroborated their daughter’s testimony.

After the requisite formal administrative investigation, the Secretary of Justice found respondent prosecutor guilty of conduct prejudicial to the best interest of the service for having uttered the words complained of and for having showed bias against Perla Ladia during the investigation of Criminal Cases No. 3573-3577.

We concur in the findings of the Secretary of Justice.

Perla Ladia positively testified that respondent prosecutor indeed showed bias against her and virtually prejudged Criminal Cases No. 3573-3577 by uttering the words – “Masyadong mabigat ang inihain na kaso nguni’t ang salaysay ng bata ay mahina. Mahirap lamang kayo, nangangailangan ang kaso ng malaking pambayad sa abugado,” as well as the words “Walang nangyaring panggagahasa. Kung kayo ay alukin ng P30,000.00 hanggang P50,000.00 ay tanggapin na ninyo. Makakatulong na sa inyo iyan at kayo ay nasa mahirap na kalagayan.” Her declarations, which the Secretary of Justice found to be firm and categorical, find sufficient corroboration from the equally firm and categorical

testimony of the complainants. Such declarations prevail over the testimony of respondent prosecutor, who, incidentally, adduced no evidence to corroborate his bare denial of the charges.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant Provincial Prosecutor Abraham F. Datlag of the Office of the Provincial Prosecutor of La Union is hereby **SUSPENDED FOR ONE (1) YEAR WITHOUT PAY**, effective upon his receipt of this Order, with a warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

Done in the City of Manila, this 18th day of January, in the year of our Lord, two-thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 106
CONSTITUTING A NATIONAL ORGANIZING COMMITTEE FOR THE COMMEMORATION
OF THE FOURTEENTH ANNIVERSARY OF THE FEBRUARY 22-25, 1986 EDSA PEOPLE
POWER REVOLUTION

WHEREAS, there is a need to safeguard the truth of history of the martial law years, and a need to remember the struggle for freedom and democracy during this period;

WHEREAS, our national spirit was forged through a ceaseless struggle for freedom of Filipinos who rose against colonial masters to become a nation of our own aspiration and creation, molded and formed by our national and collective history as a people, with our own culture, values, ethos, political identity and national psyche;

WHEREAS, the February 22-25, 1986 EDSA Revolution restored democratic institutions and ushered meaningful political, social and economic reforms in the country serves as an inspiration as we continue to chart our collective course as a nation and a people;

WHEREAS, the triumph of this revolution was anchored upon people power, the ultimate demonstration of the citizens' solidarity in seeking to transform Philippine society, and to chart a new course for the country's history by linking arms and courageously asserting our democratic rights;

WHEREAS, the Filipinos astounded the world with feats of valor during the four historic days of the EDSA People Power Revolution on February 22-25, 1986 showing other captive people the way towards a peaceful political revolution of our time, thereby winning the respect and admiration of the world;

WHEREAS, by virtue of Executive Order No. 82, the EDSA People Power Commission was established, and as per section 2 under its Functions it is mandated to plan, organize and implement the yearly commemoration of the February 22-25, 1986 EDSA Revolution every 25th of February;

WHEREAS, this year marks the celebration of the fourteenth anniversary of the EDSA People Power Revolution;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law do hereby order:

SECTION 1. *Constitution of the Organizing Committee.* There is hereby constituted an Organizing Committee for the Commemoration of the 14th Anniversary of the February 22–25, 1986 EDSA Revolution which shall be chaired by the Chairman of the EDSA People Power Commission, Mr. Antonio A. Lopa, representing the private sector, and Co-Chaired by Secretary of the Department of Finance, Hon. Jose T. Pardo. The Secretary of the Department of National Defense, Hon. Orlando Mercado and the Secretary of the Department of Interior and Local Government, Hon. Alfredo S. Lim are hereby designated as Vice-Chairpersons.

The Organizing Committee shall have the 25 EDSA People Power Commissioners as members together with the following from the government sector:

1. Secretary, Department of Agrarian Reform
2. Secretary, Department of Public Works and Highways
3. Secretary, Department of Foreign Affairs
4. Secretary, Department of Trade and Industry
5. Secretary, Department of Budget and Management
6. Secretary, Department of Labor and Employment
7. Secretary, Department of Education, Culture and Sports
8. Chairman, Metropolitan Manila Development Authority
9. Chairman, Commission on Higher Education
10. Executive Officer for Regional Development–National Capital Region
11. Chairperson, National Youth Commission
12. Secretary, Presidential Management Staff
13. Chairman, Development Bank of the Philippines
14. Chairperson, National Commission on the Role of Filipino Women
15. Director-General, Philippine Information Agency
16. Administrator, Philippine Overseas Employment Administration
17. Administrator, Overseas Workers Welfare Administration
18. Director-General, Technical Education and Skills Development Authority
19. Director, National Historical Institute
20. President, League of Provinces of the Philippines
21. President, League of Cities of the Philippines
22. President, League of Municipalities of the Philippines

The Department of Interior and Local Government is hereby designated as lead-coordinator to support and assist the EDSA People Power Commission Organizing Committee for the Fourteenth Anniversary of the February 22-25, 1986 EDSA Revolution

SECTION 2. *Functions.* The Committee shall have the following functions:

1. Formulate and implement a comprehensive plan for the nationwide commemoration of the 14th Anniversary of the February 22-25, 1986 EDSA Revolution and coordinate with all sectors concerned in the implementation of the same, taking into consideration austerity measures and the spirit of volunteerism;
2. Create such working committees and designate the respective members thereof from both the private and government sectors, as may be necessary, to ensure the success of the celebration, and
3. Invite or enjoin and mobilize all sectors to participate in the celebration and call upon government instrumentality to render the necessary assistance therefore.

SECTION 3. *Staff Support.* The Department of Interior and Local Government and the Department of National Defense shall provide technical and secretarial support to the EDSA People Power Commission. The heads of departments, agencies, government-owned and controlled corporations and other government instrumentalities are directed to give full support to the Organizing Committee and its various working committees and to actively participate in the celebrations.

SECTION 4. *Guidelines.* The Organizing Committee shall pattern this year's celebration after the celebration plan of the 13th Anniversary of the EDSA Revolution.

SECTION 5. *Funding.* The Secretary of Budget and Management is hereby directed to allocate the amount of THREE MILLION PESOS (P3,000,000) to support this activity. The EDSA People Power Commission may allocate such amount as may be necessary to defray the expenditures that may be incurred from participation in the EDSA Anniversary. The government agencies involved as part of the Organizing Committee are to allocate their respective funds to defray the costs in their support of the activity.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of January, in the year of Our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). [*Administrative Order Nos.: 1 - 144*]. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 107
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT CITY
PROSECUTOR HERMAN C. CLEDERA OF THE CITY PROSECUTOR'S OFFICE OF
NAGA CITY FOR DISHONESTY AND INSUBORDINATION

This refers to the administrative complaint for dishonesty and insubordination filed by City Prosecutor Alfredo D. Agawa against Assistant City Prosecutor Herman C. Cledera, both of the City Prosecutor's Office of Naga City.

The facts are as follows:

On March 30, 1998, a certain Jesus Bulaong dropped by at the City Prosecutor's Office of Naga City and checked the status of I.S. No. 97-1311, a complaint for violation of the Anti-Graft and Corrupt Practices Act entitled "Jesus Bulaong v. Delpha Estrada and Antonio Lorio," which respondent prosecutor was handling. Respondent Cledera informed Bulaong that the complaint had already been acted upon and that the records of the case were already sent to the Office of the Ombudsman in Manila, adding that he had already advised Mr. Juanito H. Comia, Chief, Administrative Division, Office of the Ombudsman for Luzon, of these supposed developments, in a letter dated April 27, 1998.

On May 4, 1998, complainant Agawa issued two (2) office memoranda directing respondent prosecutor to produce, within three (3) days, the transmittal letter showing his approval of the transmittal of the records of I.S. No. 97-1311 to the Office of the Ombudsman, including the registry receipt evidencing such transmittal. Respondent prosecutor failed to comply with the directive, prompting complainant Agawa to issue another memorandum dated May 7, 1998, reiterating his directive. Again, respondent prosecutor did not comply.

Complainant Agawa subsequently filed a complaint against respondent Cledera for dishonesty and insubordination. The former contends that the representations made by the latter that he had acted upon I.S. No. 97-1311 and that he already transmitted the records thereof to the Office of the Ombudsman in Manila on April 3, 1998 are false and constitute dishonesty, while his failure to comply with his directives in his office memoranda dated May 4, 1998 and May 7, 1998 constitutes insubordination.

Acting upon the complaint, Regional State Prosecutor Santiago M. Turingan, Region V, Legaspi City, issued Regional Order No. 98-021, dated May 27, 1998, designating State Prosecutors Romulo SJ Tolentino, Eugenio L. Abion and Mary May B. de Leoz to conduct a formal investigation of the administrative charges.

The case was heard on July 8, 1998 and August 3, 1998, during which time complainant Agawa adduced evidence in support of his complaint. Respondent Cledera filed no written answer to the complaint, although he admitted the charge of dishonesty but refuted the charge of insubordination during the hearing on July 8, 1998.

Subsequently, the Secretary of Justice submitted his report.

The records indubitably show that respondent Cledera did not in fact send the records of I.S. No. 97-1311 to the Office of the Ombudsman in Manila as early as April 3, 1998, contrary to respondent prosecutor's representations. In fact, his resolution thereon was dated May 8, 1998, indicating that he finished resolving the case only on May 8, 1998. These false representations on his part constitute dishonesty.

The records further show that respondent prosecutor failed to comply with the directives embodied in complainant's office memoranda dated May 4, 1998 and May 7, 1998. And prior to the issuance of these memoranda, respondent refused to see complainant to discuss matters, despite requests for him to do so. Such refusal on respondent's part to comply with the lawful office orders of his superior constitutes insubordination.

A careful review of the records indeed shows that respondent Cledera misrepresented himself to have acted on Bulaong's complaint and transmitted the entire record of the case to the Office of the Ombudsman, Manila, when, in fact, he did not. While he explained that he made the "misrepresentations" to "buy for time" to resolve Bulaong's complaint and that he did not send any letter, the same does not absolve him from administrative liability.

His obstinacy in not responding to complaint Agawa's memoranda clearly shows his utter disregard of the directives issued by his superior and is indeed indicative of insubordination.

WHEREFORE, as recommended by the Secretary of Justice, Assistant City Prosecutor Herman C. Cledera of the City Prosecutor's Office of Naga City is hereby found guilty of dishonesty and insubordination and is hereby ordered dismissed from the service, together with the accessory penalties of disqualification from re-employment in the government and forfeiture of all his financial benefits.

Done in the City of Manila, this 31st day of January, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 108
CREATING A PRESIDENTIAL TASK FORCE ON INDIGENOUS PEOPLES TO ENSURE THE
IMMEDIATE IMPLEMENTATION OF THE INDIGENOUS PEOPLES RIGHTS ACT AND
DEFINING THE FUNCTIONS THEREOF

WHEREAS, the indigenous peoples belong to the most marginalized sector of our society;

WHEREAS, the Indigenous Peoples Rights Act or IPRA, Republic Act. No. 8371, was enacted into law to provide the urgent attention needed by indigenous peoples for the delivery of basic government services premised on the full recognition of their rights;

WHEREAS, the constitutionality of the IPRA has been questioned in a pending case in the Supreme Court, “Isagani Cruz and Cesar Europa vs. Sec. of DENR, et al. G.R. 135385”;

WHEREAS, the pendency of the case has resulted in the delay of basic services delivery to the indigenous peoples, and created an ambiguity regarding the protection and recognition of their ancestral domain rights;

WHEREAS, legal issues have been raised regarding the interpretation of the law and its implementation such that the National Commission on Indigenous Peoples (NCIP) has not been able to function fully in accordance with the IPRA;

WHEREAS, the further delay in the delivery of basic services, especially those concerning the rights of indigenous peoples, will defeat the purpose of the IPRA and the Estrada Administration’s poverty eradication program;

WHEREAS, the poverty eradication program of this Administration, in accordance with the Social Reform and Poverty Alleviation Act, Republic Act No. 8425, has included the indigenous peoples as among the fourteen basic sectors that require focused, comprehensive and integrated assistance;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, hereby order the creation of the Presidential Task Force on Indigenous Peoples (PTFIP) to ensure that the National Commission on Indigenous Peoples (NCIP) is able to fulfill its mandate so that the rights of the indigenous peoples are protected and recognized in accordance with the Constitution and the IPRA.

Section 1. The PTFIP shall be headed by a Chairman, designated by the President, from among the seven representatives of the following ethnographic regions, all of whom shall be appointed by the President:

Cordillera and Region I
Region II
Region III and the Rest of Luzon
Visayas and other Island Groups
Central Mindanao
Northwestern Mindanao
Southeastern Mindanao

The two other members shall be the Presidential Assistant for Poverty Eradication, NGO and PO (OPAPE/NGO/PO), pursuant to Memorandum Order No. 5, s. 1998, and the Executive Director of the National Commission on Indigenous Peoples.

Section 2. The powers and functions of the Task Force are:

- (1) to assist the NCIP in the formulation of a comprehensive and integrated sustainable development plan for the indigenous peoples, focusing on the development of ancestral domains, particularly those that are covered by Certificates of Ancestral Domain Claim issued by the Dept. of Environment and Natural Resources, and such other official tenure instruments;
- (2) to ensure that the NCIP is able to screen, review and validate the applications for all the NCIP positions as provided for in the IPRA;
- (3) to provide the necessary technical and financial assistance to the NCIP regarding its recommendations to the President to resolve all conflicting issues, especially regarding resource use, within ancestral domains, officially declared or otherwise;
- (4) to ensure that the formulation of the implementing rules and regulations of the IPRA by the NCIP is in accordance with the procedures provided for in the IPRA; and
- (5) to perform such other functions as may be determined by the President.

Section 3. The PTFIP shall meet once a month and shall submit its monthly report to the President, through the OPAPE/NGO/PO.

Section 4. The OPAPE/NGO/PO and the NCIP shall provide the necessary secretariat services as well as technical assistance that the PTFIP may require. In view thereof, the amount of SIX MILLION PESOS is hereby ordered released to the OPAPE/NGO/PO from the Organizational Adjustment Fund to implement this Order.

Section 5. The PTFIP shall cease to exist as soon as the Supreme Court renders its decision in the case of “Isagani Cruz and Cesar Europa vs. Sec. of DENR, et al. G.R. 135385”, or as may be earlier ordered by the President.

This Order takes effect immediately.

DONE in Manila, this 10th day of February, in the Year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 109
CREATING THE OFFICE OF THE CHIEF OF STAFF AND RATIONALIZING THE SYSTEMS
AND ACCOUNTABILITIES IN THE LINE AND STAFF OFFICES IN THE
OFFICE OF THE PRESIDENT

WHEREAS, the Office of the President is the seat of power of government in the country and the Office where policies and decisions affecting the entire nation emanate;

WHEREAS, in view of the critical nature of the Office of the President, there is a need to ensure that all internal policies, systems, procedures and activities are coordinated and responsive to the requirements of the Presidency to enable him to perform his functions effectively;

WHEREAS, there is a need for a mechanism that will coordinate the activities, operations, systems and processes directly affecting the Presidency, to ensure the effective and efficient delivery of staff support services to the President;

WHEREAS, Section 31, Chapter 10, Title III, Book III of Executive Order No. 292, series of 1987, otherwise known as the “Administrative Code of 1987,” provides the President continuing authority to reorganize his Office.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

SECTION 1. *Creation of the Office of the Chief of Staff.* There is hereby created in the Office of the President a support staff called the Office of the Chief of Staff (OCS). It shall assist the President in the management of his day-to-day activities and requirements, and provide inputs in the President’s decision-making. As support staff to the President, the OCS shall have the primary function of supervising and ensuring an efficient and responsive day-to-day operational support to the Presidency to enable the President to focus on more important national concerns. This includes:

1. Managing the day-to-day schedule of the President. The OCS shall determine and recommend to the President the activities which shall be personally attended by the President. Relatedly, it shall coordinate with all concerned offices and agencies and ensure adequate preparation, both substantive and administrative, in the conduct of presidential activities;
2. Providing the President a strategic planning function;
3. Providing coordination of the policy formulation process at the President’s level;
4. Ensuring the monitoring and evaluation of programs and projects being undertaken by the Government; and
5. Providing secretariat services to the Economic Coordinating Council and its activities.

SEC. 2. *Organizational Set-up and Staff Complement.* The OCS shall be under the direct supervision of the President. It shall be headed by the Chief of Staff, who will be a Member of the Cabinet, who shall be assisted by three (3) Deputy Chiefs of Staff.

The OCS shall directly supervise the Appointments Office, the Documents Management Group and the Correspondence Office. The staff of these offices shall provide technical and administrative support to the Chief of Staff and the three (3) Deputy Chiefs of Staff.

SEC. 3. *Attached Agency.* The Philippine Institute for Development Studies (PIDS) shall be attached to the OCS for policy and program coordination.

SEC. 4. *Coordinating Mechanism in the Office of the President.* The following Offices shall exercise their respective mandates, as provided by law, and shall closely collaborate among themselves to ensure the provision of effective and efficient support to the President as well as the smooth operations of the Office of the President:

1. The Executive Secretary shall continue to carry out the functions as provided in Section 27, Chapter 9-B, Title III, Book III of the Administrative Code of 1987, among others, which include the following:
 - a. Directly assist the President in the management of the affairs pertaining to the Government of the Republic of the Philippines;
 - b. Implement presidential directives, orders and decisions;
 - c. Exercise supervision and control over the various units in the Office of the President Proper and over the various agencies under the Office of the President;
 - d. Exercise primary authority to sign papers “By authority of the President”, attest executive orders and other presidential issuances;
 - e. Assist the President in the performance of functions pertaining to legislation and in the administration of special projects.

The Executive Secretary shall also continue to supervise the Presidential Assistants, particularly the Presidential Assistants for Regional Concerns.

2. The Chief of Staff shall perform the functions and roles as provided in Sections 1 and 2 of this Administrative Order.
3. The Presidential Management Staff (PMS) shall continue to serve as the government agency responsible to the President for providing substantive staff assistance in the presidential exercise of overall management of the development process, pursuant to Executive Order No. 130, series of 1987, and related issuances.

To ensure close coordination, the PMS shall furnish the OCS copies of the outputs submitted to the President. On a case-to-case basis, the output of PMS shall be submitted to the President through the OCS.

SEC. 5. *Funding Support.* The funds to support the operations of the Office of the Chief of Staff shall be sourced from the existing budget of the Office of the President.

SEC. 6. *Repealing Clause.* All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 16th day of February, in the year of our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 110
ISSUANCE OF IDENTIFICATION CARDS TO POOR MICROFINANCE BENEFICIARIES OF
PCFC AND GRANTING RELATED PRIVILEGES THEREFOR

WHEREAS, Republic Act No. 8425 designated the People's Credit and Finance Corporation (PCFC) as the vehicle for the delivery of microfinance services for the exclusive use of the poor, and the lead government entity specifically tasked to mobilize financial resources from both local and international funding sources for such microfinance services;

WHEREAS, the process of identification of the poor who will be granted access to microfinance services is integrated in the PCFC's mandate as lead entity for microfinance;

WHEREAS, the use of identification cards to the poor is one fundamental step that will allow them unhampered access to benefits and privileges under the law and the government's program to eradicate poverty;

WHEREAS, it is imperative that those identified as qualified to become beneficiaries of the microfinance services be given by the government holistic support to add flesh and meaning to the government's anti-poverty campaign;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, by virtue of the powers vested in me by law, hereby order and direct:

SECTION 1. The People's Credit and Finance Corporation (PCFC), the government agency mandated to provide microfinance services to the poor to come up with an identification system of poor microfinance beneficiaries that will provide them easy access to services provided not only by PCFC but also to every related service provided by all other government agencies.

SEC. 2. All agencies under the executive departments are hereby directed to provide these identified beneficiaries fast and efficient services under their respective agencies.

SEC. 3. The basic features and benefits, among other things, that may be availed by the holder of the I.D. card under the system shall be as follows:

Given compliance with the minimum requirements of PCFC:

1. Unhampered access to all the benefits that PCFC provides under its microfinance program;
2. Additional benefits that PCFC may be able to arrange with concerned agencies such as discounts and other concessional arrangements for the provision of consumer goods and services;
3. Priority in availing of basic needs and services extended by government agencies like DSWD, DTI, NAPC, DOH, PNP, LGUs, etc. per criteria for eligibility set by said agencies;
4. Priority in employment opportunities in government projects in their locality such as those being undertaken by the DPWH, DND, DECS and other government owned or controlled corporations, as long as the individual meets the minimum qualification requirements of the position needed for employment.

SEC. 4. PCFC is authorized to issue guidelines to implement this Order, and to link up/coordinate with NAPC and all other agencies involved in the anti-poverty program.

SEC. 5. All executive issuances, order, rules, and regulations inconsistent with the Administrative Order are hereby revoked, amended or modified accordingly.

SEC. 6. This Administrative Order takes effect immediately.

DONE in the City of Manila, this 29th day of February, in the Year of Our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 111
AMENDING ADMINISTRATIVE ORDER NO. 109, SERIES OF 2000, ENTITLED
“CREATING THE OFFICE OF THE CHIEF OF STAFF AND RATIONALIZING
THE SYSTEMS AND ACCOUNTABILITIES IN THE LINE AND STAFF OFFICES IN
THE OFFICE OF THE PRESIDENT”

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize His Office.

WHEREAS, there is a need to further streamline and improve the functions of the various offices under the Office of the President.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Section 1 of Administrative Order (A.O.) 109, series of 2000, entitled “Creating the Office of the Chief of Staff and Rationalizing the Systems and Accountabilities in the Line and Staff Offices in the Office of the President”, is hereby amended to read as follows:

“Section 1. *Creation of the Office of the Chief of Staff*. There is hereby created in the Office of the President a support staff called the Office of the Chief of Staff (OCS). It shall assist the President in the performance of his development management functions, in the management of his day-to-day activities and requirements, and provide inputs in the President’s decision-making. As support staff to the President, the OCS shall have the primary function of supervising and ensuring efficient and responsive day-to-day operational support to the Presidency as well as the provision of substantive staff support in the presidential exercise of overall management of the nation’s development process. This includes, but is not limited to, the following:

1. Providing the President with strategic planning functions;
2. Providing coordination of the policy formulation process at the President’s level;
3. Ensuring the monitoring and evaluation of programs and projects being undertaken by the Government;
4. Managing the day-to-day schedule of the President. The OCS shall determine and recommend to the President the activities which shall be personally attended by the President. Relatedly, it shall coordinate with all concerned offices and agencies and ensure adequate preparation, both substantive and administrative, in the conduct of presidential activities; and
5. Coordinating presidential trips and visits.”

Sec. 2. Section 2 of the same issuance shall read as follows:

“Sec. 2. Organizational Set-up and Staff Complement. The OCS shall be headed by a Chief of Staff, who shall have Cabinet rank with all the rights and privileges appurtenant thereto.

The OCS shall coordinate and supervise the following offices, without diminution of their respective powers and functions: (a) the Appointments Office; (b) the Documents Management Group; (c) the Office of the Presidential Assistant for Socials; (d) the Office of the Chief of the Protocol Affairs, and (e) the Correspondence Office.”

The OCS shall have direct control and supervision over the Presidential Management Staff which shall be responsible for providing substantive staff support to the President.

Sec. 3. Section 3 of A.O. No. 109 is hereby deleted.

Sec. 4. Except for subsection 3 which has been accordingly modified, Section 4 of A.O. 109 remains in full force and effect.

Sec. 5. Repealing Clause. All executive orders, administrative orders, other presidential issuances, and implementing rules and regulations, or parts thereof that are in conflict with this A.O. are hereby repealed or modified accordingly.

Sec. 6. Effectivity. This A.O. shall take effect immediately.

DONE, in the City of Manila, Philippines, this 7th day of March, in the Year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 112

DIRECTING THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, THE COMMISSION ON HIGHER EDUCATION AND THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY TO INSTITUTE EDUCATIONAL POLICIES WHICH SHALL INJECT TECHNICAL AND INDUSTRY-BASED SUBJECTS AND ON-THE-JOB-TRAINING PROGRAMS INTO THE CURRICULA OF HIGH SCHOOL, COLLEGIATE AND VOCATIONAL LEVELS; AND TO IMPROVE QUALIFICATION CRITERIA OF MATHEMATICS AND SCIENCE TEACHERS

WHEREAS, it is recognized that there is a need to improve and enhance productivity in the business sector to make Philippine businesses more competitive in the global market in accordance with the Medium-Term National Action Agenda for Productivity formulated under the Estrada Administration;

WHEREAS, the development and maintenance of a substantial pool of technology managers and research and development experts is imperative to make Philippine businesses more competitive in the global market;

WHEREAS, it is imperative to provide technical and industry-based subjects to students so as to produce more competent technology managers and research and development experts;

WHEREAS, in order to produce competent technical experts and research and development managers, educational institutions must provide highly qualified and competent science and math instructors;

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by the virtue of the powers vested in me by law, do hereby order:

SECTION 1. Introduction of Technical and Industry-based Subjects in All Levels of Education Including Public Schools/Institutions. – The Department of Education, Culture and Sports, the Commission on Higher Education and the Technical Education and Skills Development Authority is hereby directed to work together to establish policies which shall inject technical and industry-based subjects as well as on-the-job-training programs into the curricula of high school, collegiate and vocational levels.

SEC. 2 Upgrading of Qualifications of Math and Science Teachers. – The Department of Education, Culture and Sports and the Commission on Higher Education are also directed to issue policies to upgrade the qualification requirements of Mathematics and Science teachers in all levels of education.

SEC. 3. Submission of Annual Reports. The Department of Education, Culture and Sports and the Commission on Higher Education, and the Technical Education and Skills Development Authority shall submit annual reports to the President through the Philippine Council for Productivity (PCP) on the implementation of this directive.

SEC. 4. Funding. Funds for this purpose shall be sourced from the regular budget of the concerned agencies, subject to the appropriate rules and regulations.

SEC. 5. Effectivity. – This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of March, in the Year of Our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 113

DIRECTING THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS (DECS), COMMISSION ON HIGHER EDUCATION (CHED) AND THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA) TO FORMULATE AND IMPLEMENT POLICIES FOR THE INTEGRATION OF THE CONCEPTS OF QUALITY IMPROVEMENT AND PRODUCTIVITY IMPROVEMENT IN ALL APPLICABLE SUBJECTS, COURSES AND PROGRAMS OF ALL EDUCATIONAL, TECHNICAL AND VOCATIONAL INSTITUTIONS.

WHEREAS, it is recognized that there is a need to enhance the application of productivity-enhancing systems in the business sector to make Philippine businesses more competitive in the global market in accordance with the Medium-Term National Action Agenda for Productivity, 2000-2004 formulated under the Estrada Administration;

WHEREAS, enhancement of knowledge of productivity-enhancing systems should be supported by inclusion of appropriate programs in the curricula of educational institutions and training programs in the country;

WHEREAS, it is also imperative to introduce students and trainees to quality and productivity concepts to foster academe-industry coordination in promoting competitiveness of Philippine enterprises;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, by virtue of the powers vested in me by the Constitution as President of the Republic of the Philippines, do hereby order and direct the following:

SECTION 1. Integration of the Concepts of Quality and Productivity Improvement in all Applicable Subjects, Courses and Programs on Productivity and Quality in the Curricula of Educational and Training Institutions.

- (a) The Department of Education, Culture and Sports and the Commission on Higher Education shall formulate and implement policies for the integration of the concepts of quality and productivity improvement in all applicable subjects, courses and programs of all educational institutions in close coordination with the private sector and other concerned government agencies. These may include subjects/courses involving information technology which may be developed in close coordination with the private sector and other concerned agencies.
- (b) The Technical Education and Skills Development Authority shall formulate and implement policies for the integration of the concepts of quality improvement and productivity improvement in all applicable programs of all technical and vocational institutions.
- (c) The Department of Education, Culture and Sports and the Commission on Higher Education, and the Technical Education and Skills Development Authority shall submit annual reports to the President through the Philippine Council for Productivity (PCP) on the implementation of this directive.

SEC. 2. Funding. Funding for this purpose shall come from the regular budget of the concerned agency subject to the appropriate rules and regulations.

SEC. 3. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of March, in the Year of Our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 114

AMENDING ADMINISTRATIVE ORDER NOS. 109 AND 111 SERIES OF 2000, FURTHER
PROVIDING FOR THE RATIONALIZATION OF SYSTEMS AND ACCOUNTABILITIES
IN THE OFFICE OF THE PRESIDENT

WHEREAS, Administrative Order (AO) No. 109, series of 2000 created the Office of the Chief of Staff (OCS) and further defined the OCS' functions relative to the supervision of the day-to-day operational support to the President;

WHEREAS, Administrative Order (AO) No. 111, series of 2000 amended AO No. 109, further providing additional functions to the OCS and placing under its supervision certain offices within the Office of the President;

WHEREAS, there is need to further streamline the functions of offices therein and improve the procedures within the Office of the President;

WHEREAS, under Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987, the President has the continuing authority to reorganize His Office;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order the following:

Section 1. Abolishing the Office of the Chief of Staff and Transferring its Functions to the Office of the Executive Secretary. The Office of the Chief of Staff is hereby abolished and its functions as provided in Administrative Order No. 111 series of 2000 is hereby transferred to the Office of the Executive Secretary to be performed by the Senior Deputy Executive Secretary. These functions include the following:

- 1.1 Managing the day to day schedule of the President by determining and recommending to the President the activities which shall be personally attended by the President;
- 1.2 Coordinating with all concerned offices and agencies and ensuring adequate preparation, both substantive and administrative, in the conduct of Presidential activities;
- 1.3 Coordinating presidential trips and visits; and
- 1.4 Coordinating the activities of and supervising the following offices within the Office of the President, without diminution of their respective powers and functions: Appointments Office, Documents Management Group, Office of the Presidential Assistant for Socials, Office of the Chief of the Protocol Affairs, and Correspondence Office.

Section 2. Transferring the Supervision Function of the Chief of Staff Over the Presidential Management Staff to the Executive Secretary. The powers and functions of the Executive Secretary and the Presidential Management Staff (PMS) shall continue to be exercised pursuant to the Administrative Code of 1987. Pursuant thereto, the Presidential Management Staff (PMS) shall be under the

supervision of the Executive Secretary. The PMS shall continue to serve as the government agency responsible to the President for providing substantive staff assistance in the presidential exercise of overall management of the development process, pursuant to Executive Order No. 130, series of 1987, and other related issuances.

Section 3. Repealing Clause. All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

Section 4. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, Philippines, this 23rd day of March, in the year of our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 115
IMPOSING THE PENALTY OF DISMISSAL ON SAMUEL C. CLEOFE, FORMER REGISTER OF
DEEDS, QUEZON CITY

This refers to the administrative complaint filed by Mr. Crisologo Magaso against Samuel C. Cleofe and Antonio A. Vasquez, former Register of Deeds and Deputy Register of Deeds of Quezon City, respectively, for, among others, violation of pertinent rules and regulations governing land titling by conspiring in extending extraordinary accommodation to a certain Edgar Timbol thru the hasty, irregular and illegal issuance/release of Transfer Certificate of Title (TCT) No. N-185088 in the latter's name.

After a formal investigation, Land Registration Authority (LRA) Administrator Alfredo Enriquez found respondents guilty of grave misconduct and recommended the penalty of dismissal, with forfeiture of benefits, based on the Report of Hearing Officer Atty. Gener C. Endoma dated October 8, 1998. However, respondent Vasquez not being a Presidential appointee, he is removed from the scope of the disciplining authority of this Office.

Upon review, the Secretary of Justice, recommended that: "respondent Samuel C. Cleofe, Register of Deeds of Quezon City, be found guilty of Grave Misconduct and that the penalty of dismissal from the service be imposed against him", stating in his letter-report dated March 19, 1999, as follows:

"On 24 April 1997, Edgar Timbol presented for registration a Deed of Absolute Sale dated 10 June 1996 executed by Lucia Zayas in his favor, covering Lot 5-A of the subdivision plan (LRC) Psd-63040 with an area of 4,737 square meters situated at Bahay Toro, Tandang Sora, Quezon City, accompanied by the following documents:

1. Xerox Copy of TCT No. 259059 in the name of Lucia V. Zayas;
2. Tax Declaration No. C-011-09386 in the name of Lucia V. Zayas;
3. Capital Gains Tax Return/Application for Certificate Authorizing Registration;
4. Certificate Authorizing Registration No. 9388643 B;
5. Authority to Accept Payment; and
6. Official Receipt No. 0085987.

The said land has been the subject of three (3) separate petitions for reconstitution of titles filed with the LRA Reconstitution Division, to wit:

1. Petition No. 6691 dated 20 January 1994 filed by Abelardo Garcia as Attorney-in-fact of spouses Daniel Casabar and Rufina Reyes for reconstitution of TCT No. 258660;

2. Petition No. 6691 dated 22 February 1994 filed by Lucia V. Zayas for the reconstitution of TCT No. 259059, which was accompanied by a Deed of Absolute Sale dated 24 July 1979 where the supposed signatures of spouses Casabar and Reyes appear as vendors in favor of Lucia V. Zayas as vendee;
3. Petition No. 7194 dated 1 August 1994 filed by complainant Crisologo Magaso for the reconstitution of TCT 258660, which was accompanied by a Deed of Absolute Sale dated 21 January 1980 where the signatures of spouses Casabar and Reyes appear as vendors in favor of Magaso and Salvacion Rafanan as vendees. This was however withdrawn by Magaso on 27 December 1994.

Spouses Casabar and Reyes denied having sold the subject land to either Zayas or Magaso in two separate Joint Affidavits both dated 16 January 1997.

The Land Registration Authority denied the petitions for reconstitution of TCT No. 258660 and TCT No. 259059 based on the existence of the two (2) titles covering the same land until the issue is settled by the claimants.

On the same date (24 April 1997) at 2:20 p.m., respondents provisionally registered the Deed of Sale by annotating the same under Entry No. 4073/T-259050-PR-43569 of TCT No. 259059 with a notation “title to be issued upon the reconstitution of the original title.”

On 21 November 1997, Mr. Timbol personally presented Administrative Order for Reconstitution of TCT No. 259059, together with the accomplished but unattested reconstituted original and reconstituted owner’s duplicate of TCT No. 259059. On the basis thereof, respondents prepared TCT No. 185088, using Judicial Form 109 with Serial No. 5001765.

In the Report Consumption of Judicial Form 109 and 109-D for the month of November 1997, Serial No. 5001765 was reported as ‘Used.’ Later, however, in the Report Consumption for the month of March 1998, the same form was reported as “Spoiled.”

According to respondents, they withheld the issuance of the said title which was only partially accomplished since ‘the hand-carrying of the reconstitution order and reconstituted titles by the very person in interest which has never been done before and extremely dangerous for such sensitive documents, incited some doubts in the minds of the Registry officers.’ Hence, respondents asked Mr. Timbol to get a certificate of finality for the reconstitution of TCT No. 259059 from the Reconstitution Division of the LRA. In utter dismay, Mr. Timbol allegedly withdrew the documents that were presented on the pretext that he would need the same in securing the required certificate. When the latter failed to return, respondents marked the partially accomplished title (TCT No. 185088) as ‘Spoiled’ which was reflected in its March 1997 Consumption Report. Allegedly, the same was not reported earlier since the title had been misfiled by the Records Officer.

On the other hand, complainant avers that TCT No. 185088 was in fact signed, issued and released to Mr. Timbol. According to complainant, the misfiling of the spoiled form by the Records Officer is unworthy of belief. As a matter of fact, Mr. Timbol allegedly used the title in obtaining a tax declaration of the property in his name from the Assessor's Office of Quezon City and in a pleading he filed with the Quezon City Regional Trial Court.

The principal issues to be resolved in this case are (1) whether or not there was an irregularity in the provisional registration made by respondents; and (2) whether or not TCT No. 185088 was in fact issued/released to Mr. Timbol.

There is no dispute that the documents presented together with the Deed of Sale for provisional registration were those enumerated earlier which did not include proof that an application or petition has been filed for the reconstitution of the certificate of title subject of the transaction required under LRA Circular No. 3 dated 6 December 1988. As correctly observed by the LRA in its recommendation, on that 'ground alone, provisional registration of the instrument should have been denied at once.'

While we agree that Registers of Deeds need not go beyond the face of the instrument in determining its authenticity and, therefore, respondents are not expected to have detected upon presentation that the Deed of Sale was not notarized by a commissioned Notary Public; yet, an experienced and careful examiner could have easily detected that the Authority to Accept Payment and Certificate Authorizing Registration presented in this case were falsified. Comparison of these documents with the original of which they should be familiar would show that –

1. the texture of the papers of the aforementioned documents presented in this case is different from the original which is smoother;
2. the black mark opposite the serial number of the Authority to Accept payment in this case does not leave a tracing mark on the skin which ought to be the case if the same were genuine;
3. the seal of the BIR in this case is bland pink which should be reddish-pink if it were original; and
4. the dorsal portion for Machine Validation of payment in the Authority to Accept Payment in this case does not produce a carbon for immediate reproduction and impression of the entries therein in the duplicate and triplicate copies, as in the case of the original.

Records also show that there are actually two sets of xerox copies of certificates of title on file with the Registry. All the provisional registrations/ annotations on both titles were signed by respondent Cleofe. TCT Nos. 259059 in the name of Lucia V. Zayas with the provisional registration of the following transactions:

1. Entry No. 4073 – Sale executed by Lucia V. Zayas in favor of Edgar M. Timbol dated 10 June 1996, inscribed on 24 April 1997;
2. PE-6794 – Notice of Lis Pendens, Civil Case No. Q-97-30263, inscribed on 9 June 1997;
3. PE-920 – Notice of Lis Pendens, Civil Case No. Q-98-34103 entitled ‘Crisologo Magaso vs. Edgar Timbol, et al., inscribed on 14 April 1998;

and TCT No. 258660 in the name of spouses Daniel Casabar and Rufina Reyes with the following annotations;

1. PE-1223/T-Deed of Sale dated 21 January 1980 executed by spouses Casabar and Reyes in favor of Crisologo Magaso, inscribed on 23 August 1994;
2. PE-1225-Real Estate Mortgage in favor of Felicisima Carbungco Agilada dated 23 August 1994 and inscribed on the same date;
3. Notice of Lis Pendens, Civil Case No. Q-97-30263, inscribed on 14 April 1997;
4. PE-7685-Request for Cancellation of Lis Pendens dated 25 July 1997; and
5. PE-698-Affidavit of Adverse Claim dated 13 July 1998 executed by Wong Chun Fai, inscribed on the same date.

The fact that respondent Cleofe signed all the aforementioned transactions raises doubt as to their lack of knowledge on the existence of the two TCTs. It is observed that only ten (10) days prior to the presentation of the subject Deed of Sale for provisional registration on 24 April 1997, Cleofe signed the Notice of Lis Pendens, Civil Case No. Q-97-30263, annotated at the back of TCT No. 258660. Even assuming *arguendo* that respondents were not furnished and did not receive a copy of the opposition to the petitions for reconstitution filed by spouses Casabar – since no copy of the opposition is included in the records and the only evidence submitted was a certification by the Postmaster that letters addressed to the Register of Deeds of Quezon City were delivered and received by the receiving clerk – still it is highly improbable that they were completely unaware of the controversy surrounding such a valuable piece of property. Prudence dictates that they should have at least verified and strictly adhered to the requirements for provisional registration set forth in LRA Circular No. 3 dated 6 December 1998.

II

With regard to the second issue, we believe that the derivative title (TCT No. 185088) was indeed issued/released to Mr. Timbol.

Respondents claim that they already had doubts because Mr. Timbol handcarried the Order granting reconstitution and the machine typed reconstituted titles (both the original and the owner’s duplicate) which

should have been officially transmitted. Hence, they required Mr. Timbol to secure a certificate of finality before releasing TCT No. 185088 which allegedly has only been partially accomplished. However, on the pretext that the documents would be needed in securing the said certificate, they allowed Mr. Timbol to withdraw the documents without even asking the latter to sign for the withdrawal. Certainly, we find this highly improbable. As correctly observed by the LRA, ‘what a prudent Register of Deeds should have done under the circumstances is to report the matter to the LRA by forwarding all the records submitted for verification. Likewise, assuming that they demanded for the production of the certificate of finality, they should have at least withheld in abeyance the preparation of TCT No. 185088 which cancels the alleged reconstituted title pending submission of the certificate of finality.’

Examination of the subject TCT shows that both the owner’s duplicate and original thereof were fully accomplished, contrary to the claim of respondents. In support that the title had only been partially accomplished, the bottom portions of the titles where respondent Cleofe’s signature is supposed to appear had been torn although there was no need to do so since the title had already been marked ‘Spoiled.’ It skipped respondents’ mind that respondent Cleofe likewise signed at the back thereof leaving no room for doubt that the titles had really been fully accomplished.

Likewise, records show that on 26 November 1997 or barely a week after Mr. Timbol presented the Order together with the reconstituted TCT No. 259059 pursuant to which TCT No. 185088 was prepared by respondents, Mr. Timbol was able to secure a tax declaration of the said property under his name using TCT No. 185088.

While it may be true that the subject title had been marked ‘spoiled’ and reported as such in the March 1998 Consumption Report of Judicial Forms, the possibility that the title was released and used in between 21 November 1997 and March 1998 could not be discarded in the face of the above. The reason adduced by respondent for the delay – that the Records Officer misplaced the title – is too flimsy to prevail over the above Tax Declaration. Besides, the said reason, if true, should have been supported by at least a sworn statement executed by the Records Office.

With the foregoing, we find the provisional registration of the Deed of Sale between Lucia V. Zayas and Edgar Timbol as highly irregular; and that Transfer Certificate of Title No. 185088 was indeed illegally issued/released to Mr. Timbol.”

The recommendation of the then Justice Secretary is well-taken. It is amply supported by the evidence and facts on record. With respect to co-respondent Antonio A. Vasquez, however, let copy of this order be furnished the Civil Service Commission for appropriate action regarding the complaint against Vasquez.

WHEREFORE, in view of the foregoing premises and as recommended by the then Secretary of Justice, respondent **SAMUEL C. CLEOFÉ** is hereby found **GUILTY** of grave misconduct and ordered **DISMISSED** from the service.

Done in the City of Manila, this 14th day of April, in the year of Our Lord, Two Thousand.

SO ORDERED.

Manila, Philippines,

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By authority of the President:

(Sgd.) **RAMON B. CARDENAS**

Acting Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 116

MANDATING ALL CONCERNED GOVERNMENT AGENCIES AND LOCAL GOVERNMENT
UNITS TO SUPPORT THE NONFORMAL EDUCATION ACCREDITATION AND
EQUIVALENCY (NFE A&E) SYSTEM THAT PROVIDES AN ALTERNATIVES MEANS OF
CERTIFICATION OF LEARNING TO THOSE FILIPINOS AGED 15 YEARS AND ABOVE WHO
ARE UNABLE TO AVAIL OF THE FORMAL SCHOOL SYSTEM OR HAVE DROPPED OUT OF
FORMAL ELEMENTARY AND SECONDARY EDUCATION

WHEREAS, the Constitution provides that the State shall encourage nonformal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs;

WHEREAS, the Department of Education, Culture and Sports (DECS) through the Bureau of Nonformal Education (BNFE) is mandated to provide nonformal basic education services on behalf of the Philippine Government;

WHEREAS, the Education for All - Philippine Plan of Action (EFA-PPA) conceived the development of a Nonformal Accreditation and Equivalency System envisioned to provide an alternative means of obtaining elementary and secondary certificates of learning to Filipinos unable to avail of the educational opportunities of the formal school system;

WHEREAS, the Bureau of Nonformal Education has developed the Nonformal Accreditation and Equivalency (NFE A&E) System with funding assistance from the Asian Development Bank, thereby transforming the twenty year dream of the Philippine Government for a truly nonformal alternative learning system into reality.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby direct all concerned government agencies and local government units to support the Nonformal Education Accreditation and Equivalency (NFE A&E) System as one of the pro-poor flagship projects of the Philippine government dedicated to breaking the cycle of illiteracy and poverty and providing opportunities to the educationally disadvantaged to upgrade their skills and knowledge in order to improve their social, political and economic quality of life.

DONE in the City of Manila, this 23rd day of April, in the Year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 117

Based on the records available on file and in the possession of Malacañang Records Office, Administrative Order No. 117 of Presidential Issuances of Joseph Ejercito Estrada was certified by their office as a reserved number and that no original copy of this issuance was forwarded and released to them.

Malacañang Records Office. (2015). *[Memorandum: certification and official count of Presidential Issuances]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 118
CREATING A TASK FORCE TO STUDY AND DETERMINE THE SETTLEMENT OF THE
OBLIGATIONS OF THE NATIONAL GOVERNMENT TO SGS

WHEREAS, the agreement for a Comprehensive Import Supervision Scheme (“CIIS”) entered into on August 23, 1991 between the National Government (“NG”) and Societe Generale de Surveillance S.A. (‘SGS’), as amended by the First Addendum of December 1994, the Second Addendum of January 24, 1998 and the letter-agreement of December 22, 1999, terminated on March 31, 2000;

WHEREAS, the NG has outstanding accounts payable to SGS for services rendered under the above CIIS Agreement;

WHEREAS, there is a need to review and determine ways and means to settle and dispose of the obligations of the NG with SGS;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. Organization – A Task Force is hereby constituted to address all issues regarding the settlement of the accounts payable of the NG to SGS.

Section 2. Composition – The Task Force shall be composed of the following or their designated representatives:

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|--|----------|
| • Secretary, Department of Finance | Chairman |
| • Secretary, Department of Budget and Management | Member |
| • Secretary, Department of Trade and Industry | Member |
| • Commissioner, Bureau of Customs | Member |

The Chairman, or a designated representative, of the Commission on Audit shall be invited by the Task Force to comment on the findings and recommendations of the Task Force.

Section 3. Authority and Functions – The Task Force shall have the following authority and functions:

- 3.1 Review, validate and determine the outstanding obligations of the NG to SGS;
- 3.2 Formulate the appropriate ways and means to settle and dispose of the outstanding obligations of the NG to SGS;

Section 4. Support Service – The Bureau of Customs shall provide the necessary staff for the Secretariat of, and the necessary equipment, facilities and support services to, the Task Force.

Section 5. Effectivity – This Administrative Order shall take effect immediately.

Done in the City of Manila, this 5th day of May, in the year of our Lord, two thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**
President of the Republic of the Philippines

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 119
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ROGELIO I. RAYALA,
CHAIRMAN, NATIONAL LABOR RELATIONS COMMISSION (NLRC)

This resolves the complaint filed on November 18, 1998 by Ma. Lourdes T. Domingo, Stenographic Reporter II of the National Labor Relations Commission (NLRC) against Rogelio I. Rayala, Chairman of the same Office, for sexual harassment under Republic Act (R.A.) No. 7877 or the Anti-Sexual Harassment Act of 1995.

The acts constitutive of the charge are stated in complainant's affidavit-complaint, essentially alleging that on November 9, 1998, the respondent held, squeezed the complainant's shoulders, while taking dictation, run his fingers on her neck and ear, and made sexually offensive remarks.

The complaint was filed before the Office of the Secretary of Labor. Acting thereon, the Secretary of Labor sought guidance from this Office, the respondent being a presidential appointee. Upon order of this Office, through the Executive Secretary, to initiate the necessary investigation on the complaint and to create a committee for the purpose, the Secretary of Labor issued on December 4, 1998 Administrative Order No. 280, Series of 1998, constituting a Committee on Decorum and Investigation ("Committee") pursuant to the provisions of RA No. 7877. The Committee was directed to conduct the hearings as expeditiously as possible and to submit a Report and Recommendation after the conclusion of the investigation.

Upon order of the Committee, complainant appeared before it and swore to the truth of the allegations made in her complaint. On his part, respondent, instead of submitting his answer as directed, filed a Counter-Affidavit *Ad Cautela*, stating his defenses, albeit with a reservation to question the composition of the Committee.

In an attempt to stop the proceedings of the Committee, respondent filed before the Office of the Secretary of Labor a petition, assailing the composition of the Committee for being contrary to law. He also moved to dismiss the case on ground of forum shopping as complainant appeared to have filed a similar complaint before the Civil Service Commission (CSC). The Secretary of Labor, however, denied/dissmised said petition and motion.

Discontented, respondent elevated the matter to the Court of Appeals *via* a Petition (with Prayer for Issuance of Temporary Restraining Order and Writ of Preliminary Injunction) but failed to obtain a favorable judgment. After dismissal of his petition, respondent manifested his intention not to pursue his case, hence, the proceedings before the Committee proceeded with both parties presenting their evidence to substantiate their respective stand.

Meanwhile, the complaint before the CSC was dismissed in an Order dated April 16, 1999, which stated, among other things, that the CSC has no jurisdiction over the respondent considering that he is a presidential appointee.

Coming now to the case, the records disclose that the Committee has gathered the following:

“EVIDENCE FOR THE COMPLAINANT

Complainant alleges that in the course of her employment with the respondent, she experienced sexual harassment detailed in paragraphs 17 and 18 of her affidavit complaint. She related these incidents to her friends Agnes Magdaet, Maribel Fajardo-Herrera, the Acting Executive Clerk Perlita B. Velasco and Acting Director Carolina G. de Leon of the Management and Administrative Department (MAD).

Complainant emphasizes that, as the respondent is her immediate superior and the highest official of the NLRC, he has moral ascendancy, influence and authority over all the subordinate personnel of the entire Commission.

Complainant points out that respondent’s acts of holding, squeezing her shoulders, running his fingers on her neck and ear and sexually offensive remarks as well as other behaviors, caused her to be scared and agitated.

She related these acts to some NLRC officers and staff as these were, according to her, producing unbearable and hostile environment. Thereupon, she requested for transfer of assignment and leave of absence.

Corroborating her on this point, witnesses Agnes Magdaet, Maribel Fajardo-Herrera, Perlita Velasco and Carol de Leon testified.

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As to the amount of P3,000.00, complainant claimed that respondent gave her the money without asking for it and, returning it was her way of saying no without offending her superior.

Further, complainant claimed that very personal questions asked of her made her uncomfortable. The same questions were not asked from other staff who worked under him allegedly because he knows they have husbands, as in fact all who testified for the respondents are married.

EVIDENCE FOR THE RESPONDENT

Respondent, on the other hand, disputes complainant’s allegation claiming that from the acts complained of he has not demanded, requested or otherwise required expressly or impliedly, a sexual favor from the complainant; that he had no such intention; that it is the complainant attributing sexual content and maliciousness to the purported acts based on her perception; that this perception must, according to Carl Roger’s theory, be tested against the perceptions of other persons situated in the same environment called the “external reality.”

To prove that it is only the complainant who gave malicious color to certain actuations of the respondent, the latter presented his female staff members among other witnesses who attested to his familiar treatment, friendliness, paternalistic attitude toward his employees, like tousling the hair, and generosity by extending

financial assistance. These witnesses claimed they have never seen any malicious or lascivious intent in the aforesaid acts.

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As to the matter of inquiring into complainant's personal circumstances, respondent explains that he was targeting her for the sensitive position of personal secretary for which he felt he needed to get to know complainant more.

As regards the offering of a sum of money to complainant, respondent states that the offer came as a result of their conversation about her family and studies and that complainant implied to him that she needed the money for her tuition fee.

As to the incident on November 9, 1998, respondent denied making any sexual advances, testifying that he was in angry mood when he was giving dictation to complainant due to the failure of Region VI to attain its "zero backlog" target."

After carefully evaluating and weighing the evidence submitted by both parties in support of their respective position, the Committee, on March 2, 2000, issued a Report and Recommendation finding respondent guilty of the offense charged, and recommending the imposition of the penalty provided for in RA 7877 in the minimum on the strength of the following premises:

"From the recitation of facts, the acts complained of, albeit denied by the respondent, have been sufficiently established. The witnesses were employees of the NLRC who had everything to lose in case their testimonies were perjured. Moreover, it had been indicated that one of the witnesses, Acting Director Carol de Leon had been effectively removed from her post and re-assigned to another post after her testimony. Moreover, no less than respondent's witness, Rizza Ocampo, in her Karagdagang Sinumpaang Salaysay (Exh. 6) declared:

"1. Hindi totoong sinabi sa akin ni Lourdes Domingo noong ika-9 ng Nobyembre, 1998 ang mga salitang, "Hinawakan niya ang aking balikat habang ito ay kanyang pinipisil, pagapang sa aking leeg. Kiniliti niya ang tainga ko." Ang sinabi sa akin ni Lourdes Domingo ay "Hinawakan si Sir ang balikat ko, ang tainga ko. Nakiliti ako." Kaya sinabi ko sa kanya na "Ikaw naman, Lot. Hindi ka na nasanay. Ganyan lang si Sir." Iyon ang naging reaksiyon ko sa sinabi niya dahil natural kay Sir na paminsan-minsan na inilalagay ang kamay niya sa balikat ng ibang tao at walang malisya iyon."

By what norm must the conduct complained of be measured? The Committee resorted to AO 250, which contains in Annex A thereof Guidelines on Proper Decorum. Using these parameters, the Committee finds that the acts attributed to the respondent were improper. They were unwelcomed by the complainant because they connoted a sexual overtone.

By offering justification for such acts, by way of defense, respondent wants to convey that nothing of the sort as perceived by the complainant have been intended.

At the outset, it must be stressed that RA 7877, otherwise known as the Anti-Sexual Harassment Act of 1995, is a special law. All forms constitutive thereof of the act are considered *mala prohibita*. As such, intention is not essential for the commission of the offense. Thus, in the Senate deliberations of the bill, Senator Lina, who was one of the sponsor, clarified:

“The policy that we want to establish here is employer’s hands off. Whether one is provoked, titillated or there is a stimuli, the employer should keep his hands to himself. That is the policy that we want to establish here.” (CP-Senate, tsp October 17, 1994)

Likewise, the defense of the respondent that this is just part of the conspiracy to oust him was mere speculations and was not pursued. Mere speculations and probabilities cannot substitute proof required to establish a conspiracy. Basic is the rule that it must be proved through clear and convincing evidence and not by mere conjectures.

Lastly, complainant’s letter requesting for transfer, coupled by her applications for leave of absence, and ultimately filing the instant case evidently show the hostility around her working environment which is sought to be prevented by the law.” (Underscoring ours).

On March 3, 2000, the Secretary of Labor submitted a copy of said Report and Recommendation to this Office, with clarification that the recommended penalty is suspension for six (6) months and one (1) day only, considering that it is respondent’s first offense applying the schedule of penalties stated in Section 8 of Administrative Order (AO) No. 250 (Rules and Regulations Implementing RA 7877 in the Department of Labor and Employment).

Upon a careful scrutiny of the evidence on record, I concur with the findings of the Committee as to the culpability of the respondent, the same having been established by clear and convincing evidence. However, I disagree with the recommendation that respondent be meted only the penalty of suspension for six (6) months and one (1) day considering the circumstances of the case.

What aggravates respondent’s situation is the undeniable circumstance that he took advantage of his position as the superior of the complainant. Respondent occupies the highest position in the NLRC, being its Chairman. As the head of said office, it was incumbent upon respondent to set an example to the others as to how they should conduct themselves in public office, to see to it that his subordinates work efficiently in accordance with Civil Service Rules and Regulations, and to provide them with healthy working atmosphere wherein co-workers treat each other with respect, courtesy and cooperation, so that in the end the public interest will be benefited (*City Mayor of Zamboanga vs. Court of Appeals*, 182 SCRA 785 [1990]).

What is more, public service requires the utmost integrity and strictest discipline (*Gano vs. Leonen*, 232 SCRA 99 [1994]). Thus, a public servant must exhibit at all times the highest sense of honesty and integrity, and “utmost devotion and dedication to duty” (Sec. 4(g), RA 6713), respect the rights of others and shall refrain from doing acts contrary to law, and good morals (Sec. 4(c)). No less than the Constitution sanctifies the principle that a public office is a public trust, and enjoins all public

officers and employees to serve with the highest degree of responsibility, integrity, loyalty and efficiency (Section 1, Article XI, 1987 Constitution).

Given these established standards, I see respondent's acts not just a failure to give due courtesy and respect to his co-employees (subordinates) or to maintain good conduct and behavior but defiance of the basic norms or virtues which a government official must at all times uphold, one that is contrary to law and "public sense of morality." Otherwise stated, respondent – to whom stricter standards must apply being the highest official in the NLRC – had shown an attitude, a frame of mind, a disgraceful conduct, which renders him unfit to remain in the service.

WHEREFORE, in view of the foregoing, respondent Rogelio I. Rayala, Chairman, National Labor Relations Commission, is found guilty of the grave offense of disgraceful and immoral conduct and is hereby **DISMISSED** from the service effective upon receipt of this Order.

SO ORDER.

Manila, Philippines, MAY 08 2000

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 120

DIRECTING THE ORGANIZATION AND IMPLEMENTATION OF ACTIVITIES AND PROGRAMS TO CELEBRATE THE PHILIPPINE INDEPENDENCE DAY ON JUNE 12, 2000 AND CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE CELEBRATION

WHEREAS, there is a need for the Filipino people to commemorate the heroism and self-sacrifice of our forefathers in the struggle for independence;

WHEREAS, the 102nd anniversary of the proclamation of Philippine Independence is the ideal occasion for all Filipinos to unite and rally behind the government and the country's institutions;

WHEREAS, there is a need to properly plan, implement and coordinate all programs and activities leading to the said celebration.

NOW, THEREFORE, I, **JOSEPH EJERCITO ESTRADA**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. The government shall take the lead in the celebration of Philippine Independence Day with an appropriate, relevant theme to be determined by the National Committee or its Executive Committee which shall be created purposely for the event.

Sec. 2. All departments, bureaus, offices, national government agencies and government-owned -and controlled corporations are hereby enjoined to participate in the celebration of Philippine Independence Day in a fitting manner consistent with their respective public service functions and in coordination with the plans of the National Committee or its Executive Committee.

Activities that promote a strong national identity and deepen the spirit of patriotism among Filipinos should be undertaken. There will be cultural festivals, theatrical presentations, symposia, historical tours and/or similar other activities in all regions.

All branches of government are enjoined to participate in the Independence Day celebration as well as to enlist the participation of private sector groups and non-government organizations so that the 102nd Philippine Independence Day celebration will be a true show of unity and strength during these challenging times.

Towards this end, local government units together with the private sector groups and NGOs are enjoined to celebrate Independence Day in their respective localities.

Sec. 3. A National Committee is hereby created to undertake and/or conduct, in coordination with the local government units and/or agencies involved, the programs and events for the Independence Day celebration which shall include, to the extent appropriate as determined by the National Committee, the following:

- a. *Pambansang Araw ng Watawat* (Philippine National Flag Day) on May 28 as the kick-off ceremony for the two-weekend *Pagdiriwang ng Malayang Filipino* (Philippine Independence Day Festival) on June 2-4 and June 9-12, instant. A special Program on "*Pag-galang sa Watawat*" and "*Pagpapahalaga sa Pambansang Awit*" will be held on June 11.

- b. Raising of the national flag and wreath-laying at the Rizal monument in the Rizal Park on June 12, 2000 at about 7:00 in the morning including a special historical tableaux in order to dramatize the importance of this event to the life of the nation.

These activities will be replicated in historically significant places such as the Barasoain Church in Malolos, Bulacan, Aguinaldo Shrine in Kawit, Cavite, the Bonifacio Monument in Kalookan City and the Pinaglabanan Shrine in San Juan, Metro Manila.

All other cities and municipalities around the country are enjoined to simultaneously hold similar activities on the same day and time.

- c. The Independence Day “Parada ng Pagkakaisa” (Parade of Unity) at the Quirino Grandstand in the afternoon/evening of June 12 which shall be meaningful and relevant to the theme of the celebration. It will be capped by a special cultural program at the same venue.

Sec. 4. The National Committee shall be composed of the following:

Chairman, National Commission for Culture and the Arts	– Chairperson
Secretary of Tourism	– Co-Chairperson
Secretary of Education, Culture and Sports	– Vice-Chairperson
Secretary of Interior and Local Government	– Vice-Chairperson
Chairman, National Historical Institute	– Member
Secretary of National Defense	– Member
Secretary of Foreign Affairs	– Member
Secretary of Finance	– Member
Secretary of Public Works and Highways	– Member
Secretary of Trade and Industry	– Member
Secretary of Budget and Management	– Member
Secretary of Transportation and Communication	– Member
Secretary of Health	– Member
Secretary of Science and Technology	– Member
Secretary of Social Welfare and Development	– Member
Press Secretary	– Member
Chief of Staff, Armed Forces of the Philippines (AFP)	– Member
Director-General, Philippine National Police	– Member
Chief, Presidential Protocol	– Member
Director-General, Philippine Information Agency	– Member
Chairman, Metro Manila Development Authority (MMDA)	– Member
President, Cultural Center of the Philippines (CCP)	– Member
Executive Director, National Parks and Development Committee (NPDC)	– Member
Governor, Province of Bulacan	– Member
Governor, Province of Cavite	– Member
Mayor, City of Manila	– Member
Mayor, City of Kalookan	– Member
Mayor, Municipality of San Juan	– Member
Chairman, EDSA People Power Commission	– Member
President, League of Provinces	– Member

President, League of City Mayors	– Member
President, League of Municipalities of the Philippines	– Member
President, Liga ng mga Barangay	– Member

Sec. 5. To assist the National Committee, an Executive Committee is hereby created consisting of the Chairperson, the Co-Chairperson and the Vice-Chairpersons of the National Committee, the Secretaries of Finance, Budget and Management, and Public Works and Highways, the Chairman of the National Historical Institute, the Chief of Staff of the AFP, the President of CCP, the Executive Director of the NPDC, the Chairman of MMDA, and such other members as the Chairperson may designate, or the duly authorized representatives of such Executive Committee members.

Sec. 6. The National Committee Chairperson is hereby authorized to call upon any department, bureau, office or any instrumentality of the government, including government-owned or -controlled corporations and local government units, to extend all necessary assistance to the National Committee or the Executive Committee.

Sec. 7. In support of the 102nd Philippine Independence Day celebration, all concerned government agencies and local government units are, subject to budgetary laws and issuances, authorized to allocate such amounts as may be necessary to defray expenses for the said event.

Sec. 8. The funds necessary to implement the programs/activities for the Independence Day celebration, including those identified in Section 3 hereof, amounting to P20M (Twenty Million Pesos), shall come from the funds of the Office of the President allocated for the purpose in the FY 2000 General Appropriations Act (GAA) and from the unobligated funds for cultural and historical activities released to the Department of Education, Culture and Sports (Office of the Secretary), National Commission for Culture and the Arts, National Historical Institute and the Department of Tourism from their respective 1999 GAA.

Fund augmentation thereon, as may be necessary, shall be sourced from any of the regular items in the 1999 GAA, or from such other sources as may be determined by DBM and the Executive Committee for the 102nd Philippine Independence Day Celebration.

Sec. 9. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 11th day of May, in the Year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 121
CONSTITUTING A PHILIPPINE MANAGEMENT COMMITTEE FOR THE STAGING OF
THE 3RD PRELIMINARY LEG AND THE FINALS OF THE 2000 WORLD WOMEN'S
VOLLEYBALL GRAND PRIX

WHEREAS, the Philippines had successfully played host to major world conferences and international sporting events;

WHEREAS, the World Women's Volleyball Grand Prix is a yearly event held in selected Asian cities, featuring top level competition of the world's top eight (8) volleyball teams;

WHEREAS, owing to the successful staging by the Philippine Amateur Volleyball Association of the 3rd Preliminary Leg of the 1999 World Women's Volleyball (WWV) Grand Prix, the *Federacion Internationale de Volleyball (FIVB)* has entrusted the Philippines with the responsibility of staging not only the 3rd Preliminary Leg of the 2000 WWV Grand Prix but also the Finals;

WHEREAS, the Grand Prix 3rd Preliminary Leg will be held in Cebu City and the Finals will be held in Metro Manila;

WHEREAS, the Philippines, as host country of the Finals, will contribute US\$150,000.00 to the prize money;

WHEREAS, the staging of the 2000 WWV Grand Prix will have a direct positive effect on the efforts of the tourism industry in projecting and promoting the Philippines as an ideal site for international and local sporting events;

WHEREAS, this sporting event will bring international prestige, publicity, goodwill, and economic benefits to the country;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. A Philippine Management Committee (PMC), headed by the joint chairmanship of the Chairman of the Philippine Sports Commission and the President of the League of Municipalities of the Philippines, co-chaired by a representative of the private sector, with a representative each from the Philippine Amusement and Gaming Corporation, Philippine Tourism Authority (PTA), Philippine Charity Sweepstakes Office (PCSO), Land Bank of the Philippines (LBP), Social Security System (SSS) and the Development Bank of the Philippines (DBP) as members, is hereby constituted to oversee and undertake all necessary preparations for the staging on August 24-27, 2000 of the 3rd Leg of the 2000 WWV Grand Prix.

SEC. 2. All concerned departments, agencies and offices of the government, including government owned and controlled corporations, are enjoined to extend their support and resources for the successful staging of the 2000 WWV Grand Prix.

SEC. 3. The amount necessary for this event, including the operations of the PMC, its secretariat and working groups, shall come from donations, grants, contributions, proceeds from tournament related activities, and from any form of assistance from private or government entities.

SEC. 4. The PTA is authorized to source funds from its trust liability account, pursuant to Section 3 of Executive Order No. 46 dated September 4, 1986, to cover the hosting fee to be incurred by the PMC and the contribution to the prize money.

SEC. 5. The PMC is authorized to pay honoraria to those who will be involved with this event, subject to existing accounting and auditing rules and regulations.

SEC. 6. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 13th day of May, in the year of our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 122
AUTHORIZING THE TEACHING IN PHILIPPINE SCHOOLS OF THE SONG,
“MAGTANIM AY DI BIRO” WITH THE NEW LYRICS

WHEREAS, the song, “Magtanim ay di Biro”, has long been part of the country’s pastoral tradition, a tune familiar to Filipinos of all ages;

WHEREAS, this song has permeated the national psyche with its message of constant toil in the face of adversity, of poverty and nearly unbreakable cycle of rural impoverishment and other negative connotations that must be overcome by dint of hard labor in the farm;

WHEREAS, the lyrics of this song should be transformed to de-emphasize these negative traits and discouraging conditions of Philippine rural life and make such lyrics harmonize with the new work ethic and positive character of the Filipino people.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order and direct:

SECTION 1. The Department of Education, Culture and Sports shall include in its program the teaching in all primary and secondary schools of the song “Magtanim ay di Biro” using the new lyrics and allowed the same to be sung, in lieu of the old one, in convocations and other literary-musical activities of the school;

SEC. 2. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 10th day of May, in the year of Our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:
(Sgd.) **RONALDO B. ZAMORA**
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 123
IMPOSING THE PENALTY OF SEVERE REPRIMAND WITH A WARNING ON
OFFICER-IN-CHARGE/REGIONAL DIRECTOR RENATO F. HERRERA OF
THE DEPARTMENT OF AGRARIAN REFORM-REGION IV

This refers to the administrative complaint filed against Officer-in-Charge/Regional Director Renato F. Herrera of the Department of Agrarian Reform (DAR) – Region IV (formerly OIC-RD of Region III) for gross dishonesty, conduct prejudicial to the best interest of the service, gross neglect of duty, gross misconduct, and violation of Sec. 3 (e) of Republic Act 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

The case arose out of the letter-complaint of demoralized DAR Region III rank and file personnel dated July 23, 1998 addressed to this Office charging the respondent with acts constituting graft and corruption, as earlier mentioned. On August 1, 1998, the Presidential Commission Against Graft and Corruption (PCAGC) received its own copy of the complaint.

The complainants appeared to be anonymous. In line, however, with its mandate, i.e., to investigate on its own, and considering that there appeared to be pursuable leads based on the 1997 Annual Audit Report of the Commission on Audit, after a fact-finding investigation, the PCAGC, acting as the nominal complainant, filed the “Formal Charge” against the respondent. Finding sufficient cause for an administrative investigation, the PCAGC, in an order of April 27, 1999, required the respondent to file his counter-affidavit.

The facts of the case are as follows:

1. Respondent was Director III, Administrative Services, DAR Central Office when he was designated as Officer-in-Charge/Regional Director (OIC/RD) of Region III in Special Order No. 476, series of 1997, dated June 2, 1997 signed by Secretary Ernesto D. Garilao. He assumed office as OIC/RD of DAR Region III on June 23, 1997 and stayed as such until February 28, 1999, when he was assigned as OIC/RD of Region IV effective March 1, 1999 through Special Order No. 27, series of 1999 issued by Secretary Horacio R. Morales, Jr.;

2. That sometime in April 1994, Disbursement Voucher No. 15-94-040583 was drawn in favor of Lit's Litson in the amount of P6,000.00 for the payment of meals and snacks served during the Pre-Regional Planning Workshop held on January 11, 1994. Consequently, LBP check no. 288838 in the amount of P6,000.00 was issued in the name of Lit's Litson as payment therefor. The disbursement voucher was approved by the respondent in his capacity as the OIC/Assistant Regional Director for Administrative Services of DAR Region III and the corresponding check in his capacity as the countersigning authority; and

3. That the 1997 Annual Audit Report on DAR Region III issued by the Commission on Audit disclosed audit findings which was the basis of other charges leveled against the respondent, details of which are as follows: a) illegal disbursements resulting in disallowances in the net amount of P884,448.82; b) habitual failure to follow established accounting rules and regulations resulting

in unascertainable validity of inventory-items for sale and fixed assets accounts; and c) unnecessary expenditures during the celebration of the 9th anniversary of CARP amounting to P25,375.00 and conduct of seminars/workshops in different hotels and restaurants resulting in unnecessary expenditures of P224,653.50 or a total of P250,028.50.

After due hearing, the Commission found that:

“There are two issues to be resolved in the case at bar, which are:
1) Whether or not the respondent is administratively responsible for the failure of his office to withhold the caterer’s tax; and 2) Whether or not the respondent is administratively responsible for the audit findings in the 1997 Annual Audit Report.

I. Failure to withhold caterer’s tax

The evidence disclosed that Disbursement Voucher No. 15-94-040583 was drawn in favor of Lit’s Litson in the amount of P6,000.00 for the payment of meals and snacks served during the Pre-Regional Planning Workshop held on 11 January 1994. A check, LBP check no. 288838 in the amount of P6,000.00 in favor of Lit’s Litson was issued as payment therefor. The respondent was found to have approved the voucher in his capacity as the OIC/Assistant Regional Director for Administration of DAR Region III and signed the corresponding check as countersignatory.

The transaction in question is no doubt subject to 4% caterer’s tax pursuant to Section 114 of the National Internal Revenue Code which reads as follows:

‘Section 114. Caterer’s Tax. – A caterer’s tax is hereby imposed as follows:

- (1) On operator or operators of restaurants, refreshment parlors, and other eating places, including clubs and caterers, four per centum (4%) of their gross receipts. x x x

Likewise, the responsibility of withholding the prescribed creditable value-added tax from any payment due the seller of goods and the designation of withholding agents have been clearly established under Section 4 of the Bureau of Internal Revenue (BIR) Revenue Regulation No. 10-93, thus:

Section 4. Withholding Agents Charged With the Duty to Withhold and Remit. – All local government units, represented by the Provincial Treasurer in provinces, the City Treasurer in cities, the Municipal Treasurer in municipalities, and Barangay Treasurer in barangays, the Treasurer of the GOCCs, and the Chief Accountant or any person holding similar position and performing similar function in national government offices, as withholding agents, shall deduct and withhold the prescribed creditable value added-tax before making any payment to seller of goods or employees.

In his Counter-Affidavit, respondent Herrera denied that there was overpayment since the service contract shows that the total expenditure to be paid was Six Thousand Pesos (P6,000.00) and the amount disbursed by government was the same amount of Six Thousand Pesos. Further, respondent Herrera averred the following:

- ‘1. That even assuming that there was a need to withhold taxes, there can be no liability when there is no obligation imposed. The obligation to pay the taxes assuming that taxes are indeed required, falls on the supplier of the services or food and not on the respondent;
2. That Section 4 of BIR Revenue Regulation No. 10-93 designates the Chief Accountant as the withholding agent tasked with the duty to deduct and withhold the prescribed creditable value added tax before making any payment to the seller of goods or employees;
3. That the approval of the voucher and the signing of the check which resulted in the alleged overpayment was a mere ministerial act on the part of the respondent since the duty to withhold taxes, if any, is lodged with the Office of the Chief Accountant of DAR Region III, and not on the respondent.

“It is established that the contract between DAR Region III and Lit’s Litson for the latter to serve the meals and snacks of participants of the Pre-Regional Planning Workshop on the 11th of January 1994 is subject to the caterer’s tax equivalent to 4% of the gross receipt pursuant to Section 114 of the National Internal Revenue Code.

A close examination of Disbursement Voucher No. 15-94-040583 shows that a withholding tax equivalent to 4% of the gross amount of P6,000.00 or P240.00 was withheld by means of account 8-84-1-100 resulting in a net amount due the seller of P5,760.00 shown by means of account 8-70-707. Contrary however to the accounting entries in the voucher, the check issued as payment therefor, LBP check no. 288838 dated 18 April 1994 was in the gross amount of P6,000.00, instead of the net amount of P5,760.00.

The error resulted in the failure of DAR Region III to withhold the caterer’s tax that should have been deducted from the gross amount due Lit’s Litson for remittance to the BIR pursuant to Sec. 4 of BIR Revenue Regulation No. 10-93.

The respondent, not only as OIC/Assistant Regional Director of Administration of DAR Region III but approving official of the voucher and signatory to the check cannot, and should not be allowed to conveniently pass on to his subordinates, in this case, the Chief Accountant, his fiscal duties and responsibilities in line with the principle of primary responsibility enunciated under Section 102 of Presidential Decree No. 1445, which reads as follows:

‘Section 102. Primary and secondary responsibility. – (1) The head of any agency of the government is immediately and primarily responsible for all government funds and property pertaining to his agency. x x x

While it is true that there was no overpayment committed, respondent Herrera is found remiss of his duties and responsibilities as the Officer-in-Charge for the failure of his office to withhold the caterer's tax."

II. Audit Findings in the 1997 Annual Audit Report

"There are three charges leveled against the respondent based on the 1997 Annual Audit Report, namely: a) illegal disbursement resulting in disallowances in the net amount of P884,448.82; b) habitual failure to follow established accounting rules and regulations resulting in unascertainable validity of inventory-items for sale and fixed assets accounts; and c) unnecessary expenditures of P250,028.50 as a result of a Value For Money Audit."

A. Illegal disbursement resulting in disallowances in the net amount of P884,448.82.

"The post-audit by the Commission on Audit on the 1997 transactions resulted in disallowances of P891,234.52, while settlement during the year amounted to P6,785.70, thus leaving a balance of P884,448.82 at the end of the year.

The bulk of the disallowances represents the payment of additional anniversary bonus (P6,000.00 per employee) which was disallowed by the Auditor on the ground that such payment was without legal basis.

Respondent Herrera declared in his Counter-Affidavit that he was not yet in DAR Region III Office when the alleged unlawful disbursement was made as he was still assigned to the DAR Central Office, therefore, he could not be made to answer to charges which occurred prior to his designation to the post. To support his claim, he submitted copies of DAR Special Order No. 476 dated 2 June 1997 which designated the respondent as OIC/RD of DAR Region III and the certification of Ms. Josephine K. Aguinaldo, Chief, Personnel Section of DAR Region III that respondent assumed office in compliance with said Order on 23 June 1997.

It is established clearly based on the Certificate of Settlement and Balances and the Notices of Disallowance issued for the purpose that the transactions subject of disallowance occurred within the period from 25 September 1996 to 1 April 1997, during which time the respondent was not the OIC/RD of DAR Region III but the Director III of the Administrative Services of DAR Central Office.

Hence, respondent Herrera has proven that he had no participation on the transactions subject of disallowance.

"B Habitual failure to follow established accounting rules and regulations resulting in unascertainable validity of inventory – items for sale and fixed assets accounts.

The Audit Certificate issued by the Auditor as part of her Annual Audit Report from 1994 to 1997 clearly shows that the Auditor had consistently rendered no opinion on the financial statements of DAR Region III in view of the unascertainable validity of inventory – items for sale and fixed assets accounts with combined amount of P105M.

In his Counter-Affidavit, respondent Herrera asserted that: a) he should not be held responsible for the alleged habitual failure to follow established accounting rules and regulations because he only assumed office in DAR Region III on 23 June 1997 shortly before the COA conducted its 1997 annual audit; b) granting that there was habitual failure to follow established accounting rules and regulations, it should not be blamed on his administration because the period between his assumption of office, and the conduct of the 1997 annual audit of COA was too short to implement the necessary corrective measures and could hardly be said to be habitual; and c) the COA report indicates that the office has been complying with the recommendations of the Auditor.

The evidence on hand undoubtedly placed the date of assumption of respondent Herrera as OIC/RD of DAR Region III on the 23 of June 1997. Considering that the 1997 audit covered the period from 1 January to 31 December, the time was indeed so short for the respondent to institute the necessary corrective measures to solve the accounting problem plaguing the DAR Region III for several years which the respondent inherited from his predecessors.

Additionally, the Auditor in the 1994 and 1996 Annual Audit Reports under Part III – Status of Implementation by Management of Prior Year's Recommendations reported that there were efforts exerted in the past to address the accounting problem but was not completed due to some resignations of concerned employees.

Thus, respondent Herrera, considering the timing of his assumption to office, cannot be held responsible for the lapses of internal control committed by his predecessors.

C. Unnecessary expenditures of P25,028.50 as a result of a Value For Money Audit.

DAR Region III celebrated its 9th CARP Anniversary on 13 June 1997. As part of the celebration, a reservation for 350 expected guests and awardees was made in a restaurant at P203.00 per person even without confirming their attendance. In view of this lapse in planning, it resulted in the non-appearance of 125 expected guests and awardees during the celebration. In spite of this, DAR Region III paid in full the reservation for 350 persons, resulting in wasteful expenditure of P25,375.00 (125 x 203).

When the celebration occurred, the respondent was not the incumbent regional director then since he assumed as OIC/RD of DAR Region III only on 23 June 1997 or ten (10) days after the celebration.

The DAR Region III conference room has accommodation capacity of more or less 50 persons, equipped with airconditioners and sound systems necessary in the conduct of trainings/workshops. DAR Ladies Association (DARLA) is available to provide the catering services at P150.00 per person for meals and snacks; its capability has been proven when the DAR Region III entered into a contract with it during a workshop on 14 October 1997 to serve meals and snacks for 70 participants at P150.00 per person.

The availability of appropriate training/workshop venue in the regional office notwithstanding, during the year 1997, out of the twenty five (25) in-house trainings and workshops conducted, eight (8) were conducted in different hotels

and restaurants in the cities of Baguio and Angeles and the provinces of Laguna and Tarlac within the period 22 January 1997 to 17 October 1997 in violation of Section 396 (b), Volume I, Government Accounting and Auditing Manual.

Based on the analysis of the Auditor (Annex 6 of AAR), the 8 workshops/sessions had costs DAR Region III a total of P305,953.50; had these been conducted using the facilities of DAR Region III and DARLA catering at P150.00 per person, it would cost P81,300.00 only or a variance of P224,653.50.

During the incumbency of the respondent, three (3) out of the eight (8) workshop/sessions were conducted outside the DAR Regional Office involving expenditure in the amount of P104,460.50; compared to if the facilities of DAR Region III and DARLA catering were used, it would cost P28,800.00 only or variance of P75,660.50.

Audit findings on unnecessary expenditures were the result of a Value For Money Audit, thus, there is no record that said expenditures were suspended or disallowed in audit.

Respondent Herrera in his Counter-Affidavit asserted that the allegation that Two hundred twenty four thousand six hundred fifty three and fifty centavos (224,653.50) have been unnecessary spent in strategic Planning Workshops/Value Enhancement Sessions because they were not done in the DAR premises is mere speculation. He further averred as follows:

- ‘1) That DAR premises are not suited to host such activities because of repairs it will require to become usable for such activities and such repairs will definitely cost more than what was actually spent;
- 2) That the training and seminars took more than one day and require an overnight stay, which is not possible using the DAR premises as there are no lodging facilities in the DAR conference room;
- 3) That the comparison made between what was expended and the DARLA charges is not accurate as the charges included lodging while that of DARLA only included food;
- 4) That it was not the respondent’s responsibility to run these trainings and seminars but that of a division and respondent should be accorded the reasonable assumption that he may rely on the sound judgment of his subordinates in such matters; and
- 5) That COA Report only recommends the utilization of the available facilities of the regional office as an alternative venue for its seminars and workshops, which means that such activities may be held outside the premises of the regional office, provided such is justified.

“Section 396 of Volume I of Government Accounting and Auditing Manual provides the regulations on the conduct of government training and development programs, quoted hereunder:

Section 396. Regulations on the conduct of government training and development programs. – Programs and allowances:

‘a. The head of the agency shall be responsible for approving the training and development programs of their respective agencies. Likewise, accreditation of such programs for purposes of personnel actions shall be the responsibility of the head of agency.

b. All government agencies may conduct in-house training programs for the development and productivity of agency personnel with the use of minimal expenses for:

1. x x x

5. x x x

For this purpose, training programs shall refer to those activities involving instruction and strategies whereby participants will be required to undergo manual or practical exercises and action learning as a means of strengthening work and job related skills. In all instances of training administration, efforts shall be exerted in utilizing available resources and government facilities.

After careful review of records, the observations of the auditor appeared to be more credible than the claim of the respondent.

By authorizing the conduct of two (2) seminars/workshops at Blake Hotel, DAU, Mabalacat, Pampanga and another one at Villa Consolacion, Baguio City, he failed to exercise due prudence in the use of government funds as head of DAR Region III who is primarily responsible therefor, in violation of Section 396, Volume I of the Government Accounting and Auditing Manual and the declared State Policy as provided for in Section 2 of Presidential Decree No. 1445 which reads as follows:

Section 2. Declaration of Policy. – It is the declared policy of the State that all resources of the government shall be managed, expended or utilized in accordance with law and regulations, and safeguarded against ensuring efficiency, economy and effectiveness in the operations of government. The responsibility to take care that such policy is faithfully adhered to rests directly with the chief of the government agency concerned.

Recapitulating therefore, the Commissions finds that: a) the respondent is guilty on the first charge for negligence in the performance of his duty when his office failed to withhold the caterer’s tax; b) the second and third charges are without merit; and c) the respondent is guilty on the fourth charge to the extent of transactions he participated in for his failure to exercise due diligence of a good father of a family in the use of government funds and resources which is tantamount to negligence in the performance of official duty. However, respondent’s conduct may not be so grave as to deserve a serious penalty.”

On the basis of the foregoing premises, the PCAGC recommended that respondent be severely reprimanded, with warning.

The findings and conclusions of the PCAGC, supported as they are by, or at least reasonably inferable from, substantive evidence on record commend themselves for concurrence.

WHEREFORE, in view of the foregoing and as recommended by the Presidential Commission Against Graft and Corruption, respondent Officer-in-Charge/Regional Director **RENATO F. HERRERA** of the Department of Agrarian Reform Region IV is hereby **SEVERELY REPRIMANDED WITH A WARNING** that a repetition of the same shall be dealt with more drastically.

Done in the City of Manila, this 29th day of May, in the year of Our Lord Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 124
CREATING A JOINT COMMISSION ON STREET WATCH

WHEREAS, Street Watch is a community-based crime prevention program involving the participation of the citizenry and the government;

WHEREAS, there is a need to strengthen the collaborative efforts between government and the citizenry in the fight against criminality and maintenance of peace and order;

WHEREAS, the Foundation for Crime Prevention (FCP) serves as the private sector arm and partner of the Department of Interior and Local Government (DILG) in the implementation of a crime prevention program named Street Watch.

WHEREAS, there is a need for a policy making body that will oversee the implementation of the Street Watch Program and ensure the support and participation of the private sector in crime prevention.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

SECTION 1. *Creation of a Joint Commission on Street Watch.* There is hereby created a Joint Commission on Street Watch which shall serve as the policy making body and oversee the implementation of the Street Watch crime prevention program.

SECTION 2. *Composition of the Joint Commission.* The Joint Commission shall be composed of eleven (11) members in the aggregate:

- (a) Secretary of the Department of the Interior and Local Government (DILG), two (2) nominees from the DILG designated by the DILG Secretary, and the Governor of Bangko Sentral ng Pilipinas.
- (b) The Chairman and the President of the Foundation for Crime Prevention (FCP) and two (2) nominees from the FCP designated by the Board of Trustees of the FCP.
- (c) Heads of the Philippine Chamber of Commerce and Industry (PCCI), Federation of Filipino Chinese Chamber of Commerce and Industry (FFCCCI) and Bankers Association of the Philippines (BAP).

SECTION 3. *Organizational Set-up* The Joint Commission shall be chaired by the DILG Secretary and co-chaired by the Chairman of FCP. The PNP Director and the President of the FCP shall serve as Co-Vice-Chairmen.

The Joint Commission shall have a Secretariat. It shall be headed by an Executive Director under the direct supervision of the DILG Secretary who will also serve concurrently as Director of the Street Watch Program. The Secretariat shall be responsible for providing staff support to the Commission and the Street Watch.

Initially the following shall serve as members of the Commission:

1. Secretary Alfredo S. Lim	Chairman
2. Secretary Jose T. Pardo	Co-Chairman
3. Gen. Panfilo Lacson	Vice-Chairman
4. Mr. Manuel V. Pangilinan	Co-Vice Chairman
5. Gov. Rafael B. Buenaventura	Member
6. Col. Francisco Senot	Member
7. Mr. Menardo R. Jimenez	Member
8. Mr. Roberto A. Alvarez, Jr.	Member
9. Mr. Miguel B. Varela	Member
10. Mr. Lucio Tan	Member
11. Mr. Placido O. Mapa, Jr.	Member

SECTION 4. *Funding Support.* The funds to support the operations of the Joint Commission and the Street Watch Program shall be sourced from the existing budget of the Department of Interior and Local Government with the support of the Foundation for Crime Prevention which shall serve as the conduit of all private sector participation and support to the Street Watch Program.

SECTION 5. *Repealing Clause.* All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed.

SECTION 6. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 2nd day of June, in the year of our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 125
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON MANUEL Z. UBALDO,
STATE PROSECUTOR, DEPARTMENT OF JUSTICE, (PRESENTLY DETAILED AT THE
KALOOKAN CITY PROSECUTION OFFICE)

In these consolidated cases (Adm. Case Nos. 98-0022-FS and 98-0011-FS), State Prosecutor Manuel Z. Ubaldo, presently detailed at the Kalookan City Prosecutor Office, is administratively charged with (a) corruption and grave misconduct, and (b) conduct unbecoming of a public official.

ADMINISTRATIVE CASE NO. 98-0022-FS

This case arose from the criminal cases for illegal recruitment and estafa filed by Zenaida Rendon against Minda Alvarez, docketed as Criminal Cases Nos. C-53388-89 (98) and filed with the Regional Trial Court (RTC) of Kalookan City, Branch 121, wherein Ubaldo is the trial prosecutor.

During the trial of the said cases, Ubaldo informed Rendon that he would be acting as her lawyer and, as such, solicited the corresponding attorney's fees. On April 13, 1998, Rendon gave Ubaldo the amount of Five Hundred Pesos (P500.00) by way of attorney's fee. A day later, Rendon again gave Ubaldo the same amount of P500.00.

In a meeting held at the DOJ Prosecution Office in Kalookan City, Ubaldo advised Rendon not to pursue her cases against Alvarez and instead accept her (Alvarez) offer of settlement consisting of Fifteen Thousand Pesos (P15,000.00) cash and twelve (12) postdated checks in the amount of Eight Thousand Pesos (P8,000.00) each. At first, Rendon declined the offer. However, upon persistent prodding of Ubaldo, the said offer was finally accepted by Rendon.

On April 21, 1998, while the court was on recess, Ubaldo approached Rendon and demanded his share in the monetary settlement of the cases. This was overheard by Teresita Ramos and Dr. Corazon Gigantana, companions of Rendon, and by Judge Adoracion Angeles of the RTC, Kalookan City, Branch 121, who advised Rendon to file an administrative case against Ubaldo.

On July 21, 1998, Judge Angeles addressed a letter to the Secretary of Justice reporting, among other things, the extortion attempt of Ubaldo. Attached therewith are copies of the sworn statements of Rendon, Ramos and Gigantana, all accusing Ubaldo with attempted extortion. On the basis thereof, the Secretary of Justice directed the City Prosecutor of Kalookan City to investigate Ubaldo's alleged illegal exaction of money.

In his letter dated August 7, 1998, Kalookan City Prosecutor Ramon Rodrigo reported, among other things, that Rendon denied giving Ubaldo his "commission" but admitted handing him (Ubaldo), on two occasions, the amount Five Hundred Pesos (P500.00) as meal allowance.

On October 15, 1998, the Secretary of Justice formally charged Ubaldo with corruption and grave misconduct. In his answer, Ubaldo denied all the charges imputed against him and contended that Judge Angeles merely pressured Rendon into filing the charges against him. On the other hand, Rendon and her witnesses affirmed the contents of their sworn statements.

After investigation, the Department of Justice (DOJ) found Ubaldo guilty of the said charges and recommended that he be for dismissed from the service.

We agree with the findings and recommendation of the DOJ. The acts of Ubaldo, in soliciting a commission in the monetary settlement of the cases and receiving, on two occasions, the amount of Five Hundred Pesos (P500.00) as attorney's fees or meal allowance, even if given voluntarily, are indeed highly improper and despicable. By such acts, Ubaldo cheapened his noble office, as well as the entire prosecution service of the government. It bears stressing that public prosecutors are prohibited, in the course of their official duties, from soliciting directly or indirectly anything of monetary value from any person (Section 7 [b] of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees). This is in consonance with the oft-stated principle that a public office is a public trust. As a public servant, Ubaldo is bound to discharge his official duties with candor, fidelity and diligence without expecting anything in return. This is the essence of government service.

By the same token, we find it highly irregular and reprehensible his act of insisting and forcing Rendon to amicably settle with the defendant. As a public prosecutor, Ubaldo should ought to know that amicable settlement are generally frowned upon in criminal cases.

Finally, the defense of Ubaldo that Rendon was merely pressured by Judge Angeles to file the instant administrative case against him appears implausible in view of the positive averments of Rendon and her witnesses that he (Ubaldo) indeed solicited "commission" and charged attorney's fees from her. We cannot conceive of any plausible reason why Rendon and her witnesses, or even the presiding judge of the court where the extortion attempt took place, should make such grave imputation against Ubaldo unless they are true. It is most likely that Rendon's decision to file administrative complaint against Ubaldo may have been prompted by the fact that she could no longer bear to suffer the latter's abusive conduct in silence.

ADMINISTRATIVE CASE NO. 98-0011-FS

In his administrative complaint, Danilo Gonzales alleged that sometime in August 1995, he entered into a "Deed of Conditional Sale" with Ubaldo for the sale of a parcel of land in Kalookan City, covered by TCT No. T-101879, containing an area of 312 square meters. From the total purchase price of P280,000.00, Gonzales paid Ubaldo the amount of P229,000.00, leaving a balance of P51,000.00. However, on April 11, 1996, Ubaldo, without the knowledge and consent of Gonzales, again sold the same land to a certain Henry Piasan.

During the investigation, Ubaldo signed a covenant obligating himself to reimburse Gonzales the amount of P229,000.00. By reason thereof, the administrative proceeding was temporarily suspended to allow Ubaldo the opportunity to settle the said amount. However, on April 6, 1999, the DOJ received a letter from Gonzales complaining that Ubaldo did not perform his obligation and stating that:

"For so many times in my personal experience, State Prosecutor Ubaldo had again demonstrated his craftiness in deceiving people, through this agreement and words we had caught in his mouth verbally transpired in front of you Lady Fiscals. He is a First Class, qualified and greedy cheat and are one of those "Hoodlum in Robes" who do not deserve to be in government service."

Consequently, the investigation resumed and Ubaldo was eventually found guilty of conduct unbecoming a public official. In his letter dated April 10, 2000, Justice Secretary Artemio Tuquero recommended the suspension of Ubaldo from office for one (1) year.

We adopt the sound and persuasive report of the DOJ. However, the recommended penalty is too light. The gravity of the charge against Ubaldo merits a more severe penalty of dismissal from the service.

As public servants, prosecutors must, at all times, exhibit the highest sense of honesty and integrity not only in the performance of his official duties but also in his personal and private dealings with other people. This kind of conduct is necessary in order to preserve the good name and standing of the prosecution office.

In this case, Ubaldo falls short of the exacting standards of conduct required of a member of the prosecution service of the government. He not only violated the law against double sales but also deceived both the complainant and the DOJ. His continued apathy to reimburse Gonzales is, to our mind, an act of insolence, which we cannot allow to pass without the corresponding sanction. We must bear in mind that those involved in the administration of justice must live up to the strictest standard of honesty and integrity in the public service. This is in accord with Section 4 (c) of R.A. 6713 which provides that public official must, at all times, “respect the right of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.”

CONCLUSION

The conduct of public prosecutors should at all times be free from any appearance of impropriety. Ubaldo has not been exactly scrupulous in exemplifying such high ideals. It cannot be over-emphasized that public confidence in the prosecution service is severely eroded by such irresponsible and improper conduct of Ubaldo. An indiscretion committed in an unguarded moment may perhaps be tolerated, but not a regrettable series thereof. In an earlier case, the DOJ recommended Ubaldo’s suspension from office for six (6) months for neglect of duty after he failed to resolve within the prescribed period the preliminary investigation of the frustrated murder case filed by Felimon Justo III against Ricardo de los Santos. Likewise, Ubaldo is presently being investigated for allegedly demanding from defendant Ana Marie Sioson a bottle of liquor and Twenty Thousand Pesos (P20,000.00) as settlement of her case with the defendant in Criminal Case No. 53016 filed before the aforesaid court. This series of transgression evidently shows his penchant to violate with impunity the law.

It is worth emphasizing that the prosecution service of the government exists for one solemn end – to promote justice by protecting the interests of both the State and the oppressed. The prosecutor is the visible representation of the law and of justice. Hence, a prosecutor who, through serious misconduct, frustrates the people’s search for justice and “commits a rank disservice to the cause of justice which calls for rectification and the imposition of appropriate disciplinary measures” (Santos vs. Lumang, 177 SCRA 435).

WHEREFORE, premises considered, State Prosecutor Manuel Z. Ubaldo is hereby **DISMISSED** from the service with forfeiture of all retirement benefits and privileges, effective upon his receipt hereof.

Done in the City of Manila, this 31st day of May, in the year of our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 126

IMPOSING THE PENALTY OF DISMISSAL ON LCDR. ARMANDO G. ADRIANO,
COMMISSIONED OFFICER OF THE COAST AND GEODETIC SURVEY DEPARTMENT,
NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY (NAMRIA)

This resolves the letter-complaint filed by SN2 Eduardo De Ocampo (“complainant”) against Lcdr. Armando G. Adriano (the “respondent”) and eight (8) other officers and men of the RPS ATYIMBA, for conspiracy, dishonesty, and graft. Specifically, complainant alleges that respondent allowed three enlisted personnel of the RPS ATYIMBA to be absent for extended periods without filing the requisite leave applications, thus enabling them to fraudulently collect their full salaries and other benefits notwithstanding their prolonged absence.

In response to the complaint, Commodore Renato B. Feir (“Commodore Feir”), Director, Coast and Geodetic Survey Department with the approval of then NAMRIA Administrator Jose G. Solis, created a Summary Board (“Summary Board”) composed of four (4) commissioned officers to investigate the officers and men of the RPS ATYIMBA in connection with the alleged irregularity.

After proceedings duly held, the Summary Board submitted on October 30, 1997, its investigation report finding the nine (9) implicated officers and enlisted personnel of the RPS ATYIMBA guilty, in varying degrees, of the charges leveled against them. As regards respondent, the Summary Board found him guilty of abuse of authority and dishonesty, and recommended his dismissal from the commissioned service, on the following premises:

“5. ANALYSIS/OBSERVATIONS:

5.1 Based on the result of the investigation and the sworn statements of the interrogated personnel of RPS ATYIMBA, as well as the admission of Lcdr. Armando G. Adriano, the Board came up with the following observations:

5.1.1 Lcdr. Adriano is guilty of multiple counts of abuse of authority and intentional disregard of office rules and regulations on the following cases:

- a) Granting leave to some of his personnel without prior approval and/or recommendation from the Director, CGSD and approval from the Administrator while the vessel is on fieldworks (sic) in General Santos City when he allowed SN3 Jesus Gomez to go home to Manila on 29 November 1996, eleven days before the vessel returned to Manila and when he allowed SN1 Alberto Zubiri and SN3 Efren Aviles to disembark at General Santos City when the vessel returned to Manila without filing the corresponding application for leave.

b) Allowing civilian passengers (two women) aboard RPS ATYIMBA during the vessels (sic) navigation from General Santos City to Manila without the permission/approval from the Administrator and/or the Director, CGSD or their authorized representative.

5.1.2 Lcdr. Adriano is also guilty of dishonesty and fraud on (sic) the following cases:

a) Inclusion in the payroll and payment of salaries, sea duty pay and all other allowances of personnel under his command even [when] subject personnel were absent from their work aboardship (SN1 Zubiri, SN2 Deocampo, SN3 Gomez and SN3 Aviles).

b) Submitting (a) list of ship's complement who were aboard the RPS ATYIMBA during the navigation from General Santos City to Manila which included names of personnel who were not actually present aboard subject vessel during the voyage (SN1 Zubiri, SN3 Gomez and SN3 Aviles).

c) Submission of falsified Attendance Report of Officers and Men of RPS ATYIMBA for [the] period 16-31 December 1997 which included personnel who were actually absent aboardship during the said period (SN1 Zubiri, SN3 Gomez and SN3 Aviles).

d) During the investigation Lcdr. Adriano had shown the intent to hide or cover up the violations he had committed as Commanding Officer of the vessel by saying that he delegated to his Executive Officer and other junior officers the authority and responsibility regarding the supervision of [the] ship's personnel and other administrative matters that is why he was not aware of what was happening aboardship. But it is apparent from knowledge that being the Commanding Officer he should always be aware of what is happening aboard the vessel at all times.

xxx

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6. RECOMMENDATIONS:

Based on the findings and analysis, the Board respectfully submit[s] the following recommendations:

6.1 Recommended Penalties for Lcdr. Armando G. Adriano.

6.1.1 For Lcdr. Armando G. Adriano being Commanding Officer of a survey vessel to whom the administration and management of the ship and her complement as well as implementation of office policies aboardship are entrusted, found guilty of multiple abuse of authority, and is punishable by relegation in rank in the Lineal List of Commissioned Officers and to be placed at the bottom of the ranking of officers with the current rank of subject officer. Furthermore, Lcdr. Adriano was found by the Summary Board guilty of dishonesty which

fall[s] under intentional misconduct and punishable by discharge from the service under the provisions of existing rules and regulations governing the Commissioned Service . . . The Board finds the case of Lcdr. Adriano as very detrimental to the discipline, honor and integrity in (sic) the uniformed service, hence subject officer is recommended for dismissal from the commissioned service pursuant to the aforecited rules and regulations effective upon approval of this recommendation.”
(Emphasis added).

Unfortunately, the above findings notwithstanding, the administrative penalty against respondent remained unimplemented. In fact, among those found guilty, respondent alone remained unpunished.

Thus, on January 4, 1999, Commodore Feir, acting as resident ombudsman for NAMRIA, indorsed the entire records of the case to the Office of the Ombudsman, for appropriate action, including the filing of criminal complaints, if warranted under the circumstances.

After due investigation, the Office of the Ombudsman rendered its resolution dated December 14, 1999, recommending the filing of criminal charges against respondent, one (1) other commissioned officer, and four (4) enlisted personnel for violation of Sec. 3 (e), Republic Act (RA) No. 3019. In addition, the Office of the Ombudsman requested the Administrator of NAMRIA to forthwith implement the proper administrative penalty against respondent, as previously recommended by the Summary Board.

Presently, the Secretary of Environment and Natural Resources indorses to this Office the foregoing resolution of the Office of the Ombudsman, for proper implementation of the administrative penalty against respondent, as previously recommended by the NAMRIA's Summary Board.

After a careful review of the records of the case, it is evident that respondent's guilt of the charges leveled against him is well supported by evidence on record. As found by the NAMRIA Summary Board, and confirmed by the Office of the Ombudsman, respondent is utterly unworthy to remain in the commissioned service. Thus, I find the penalty of dismissal more than appropriate under the circumstances.

WHEREFORE, in view of the foregoing, and as recommended by the Secretary of Environment and Natural Resources in accordance with RA 5976, respondent Armando G. Adriano, Lieutenant-Commander, Coast and Geodetic Survey Department, National Mapping and Resource Information Authority, is hereby dishonorably discharged from the commissioned service with forfeiture of all benefits, effective from finality of this Order.

SO ORDERED. JUN 26 2000

Manila, Philippines,

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 127

**CREATING AN INTER-AGENCY COMMITTEE WITH PLENARY POWERS TO INVESTIGATE
LAND ANOMALIES AND TO COORDINATE AND MONITOR TITLING OF PUBLIC LANDS
IN GENERAL SANTOS CITY**

WHEREAS, there are persistent reports of cases of landgrabbing and illegal titling of public lands in General Santos City allegedly involving large syndicates and influential private persons in connivance with government officials;

WHEREAS, these nefarious activities seriously affect the implementation of important government projects in General Santos City, particularly those intended for the less fortunate and landless constituents of the city;

WHEREAS, it is imperative to resolve conflicting claims of ownership between the City Government of General Santos City and alleged landgrabbers or illegal occupants of government lands in the city;

WHEREAS, it is likewise imperative to institute measures to ensure that valuable government lands are preserved and/or disposed of only to qualified persons as provided by law;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Creation of Committee.* There is hereby created an Inter-Agency Committee on land titling anomalies in General Santos City to be composed of the following:

Secretary of Justice	Chairman
Secretary of Environment and Natural Resources	Member
Secretary of Agrarian Reform	Member
Solicitor General	Member
City Mayor, General Santos City	Member

SEC. 2. *Tasks of the Committee.* The Committee is hereby tasked to:

1. Investigate anomalous acquisitions and/or titling of public lands and other government lands in General Santos City;
2. Cause the filing of appropriate cases in court to recover illegally-disposed government lands;
3. Cause the filing of appropriate criminal and/or administrative charges against those who may be found responsible therefor;
4. Coordinate and monitor the progress of cases filed in court and/or administrative bodies; and
5. Coordinate and monitor land acquisitions and land titling of government lands in General Santos City.

SEC. 3. *Powers and functions.* For the effective discharge of its tasks, the Committee is hereby empowered;

1. To exercise the powers of an investigating body under Section 37, Chapter 9, Book I of the 1987 Administrative Code including the power to summon witnesses, administer oaths, take testimony or evidence and to issue compulsory processes to produce documents, books, records and such other matters relevant to the investigation;
2. To call upon any department, bureau, office, agency or instrumentality of the government for such assistance as it may need in the discharge of its functions;
3. To create sub-committees or technical working committees to assist the Committee in the discharge of its tasks;
4. To monitor, evaluate and ensure the proper implementation of established procedures relative to the titling of alienable and disposable lands of the public domain. For this purpose, the Committee may ask for technical support from any of its members as often as necessary;
5. To conduct an inventory of all pending cases, whether in court or before administrative agencies, involving illegal acquisition and titling of government lands in General Santos City;
6. To perform such powers and functions as may be directed by the President.

SEC. 4 *Staff supports.* The Department of Justice shall provide staff support to the Committee.

SEC. 5. *Reporting.* The Committee shall submit to the President a quarterly report of its activities, assessments and accomplishments.

SEC. 6. *Funding.* Funding for the operation of the Committee shall be sourced from the budgets of members agencies, as may be needed.

SEC. 7. *Effectivity.* This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of June, in the year of our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 128
IMPOSING THE PENALTY OF SIX (6) MONTHS SUSPENSION WITHOUT PAY FOR
SIMPLE NEGLIGENCE OF DUTY ON DR. GREGORIO T. DE LA ROSA, PRESIDENT,
LEYTE INSTITUTE OF TECHNOLOGY

This refers to the letter-complaint dated September 11, 1999, with enclosures, filed with the Presidential Commission Against Graft and Corruption (PCAGC) and the action taken thereon by the said Commission with respect to respondent Gregorio T. de la Rosa, a presidential appointee.

The present complaint charges respondent de la Rosa for the non-implementation of certain decisions and issuances of the Commission on Audit (COA), particularly with respect to its audit findings and recommendations as summarized in COA letter dated January 28, 1997, addressed to said respondent, which are hereunder quoted:

“1. Engr. Caidic and Atty. Tezon had been inactive from time of enrolment per SAIDI records, thus, failed to acquire the degree of M.A./Ph.D. in Organizational Development and Planning within the time frame set to finish the course.

Recommendation: Management should require the grantees to refund the amount paid for their scholarship expenses.

“2. Management failed to execute a Scholarship Contract or a Memorandum of Agreement with the scholars/grantees as recommended in our 1990 Annual Audit Report (AAR) pursuant to Article 96 of the College Code.

Recommendation: Management should execute a Scholarship Contract with Engr. Caidic to assure faithful adherence to the terms and conditions thereto and to safeguard the interest of the government.

“3. The school did not have an effective system of monitoring its scholars, thus, full payment of Engr. Caidic’s was made despite his being “inactive” on the first year of his studies.

Recommendation: The school should devise an effective mechanism of monitoring its scholars/grantees to forestall the occurrence of the same in the future.

“4. The honorarium granted them while they were on scholarship grant were disallowed in audit. The disallowance on Atty. Tezon, was, however, lifted under COA Decision No. 93-2635 dated January 6, 1993 while that of Engr. Caidic was

upheld/sustained by the Commission Proper under COA Decision No. 95-647 dated November 21, 1995.

“We request that the foregoing recommendations be fully implemented and the audit disallowances contained under COA Decision No. 647 dated November 21, 1995 be settled” (Underscoring supplied).

Finding sufficient basis to commence an administrative investigation against the respondent, the Commission required him to submit his counter-affidavit/verified answer, together with other documents in his defense, with which he complied through counsel as per letter dated October 20, 1999.

The action of the Commission on the complaint as well as its findings thereon as contained in its Resolution dated February 3, 2000 are as follows:

“In his sworn Counter-Affidavit dated October 18, 1999 (Records, pp. 27-30), respondent de la Rosa declares that the accusations against him by the fictitious complainant are not true, and expresses his honest belief that he has not committed any violation of any law, rule or regulation, nor has he been remiss or negligent in the performance of his duties as LIT President as mandated under R.A. No. 4572, and more specifically in the implementation of COA decisions and other issuances.

“Regarding Specifications Nos. 1 and 4 of the aforecited COA letter (Exhibit “3”), which he points out are related to each other, respondent de la Rosa explains that the matter of the scholarship grants to Engr. Caidic and Atty. Tezon started in 1986 before he assumed office as President of the Leyte Institute of Technology in 1992; that at the first instance when the matter of the questioned scholarships was officially brought to his knowledge sometime in 1994, he issued Special Order No. 45, s. 1994 (Exhibit “5”), creating a Fact-Finding Committee “to investigate the complaint against Engr. Gonzalo B. Caidic, Vice-President, and Atty. Miguel T. Tezon, Professor, re: alleged possible disbursement of government funds as LIT-SAIDI scholar”; that when the said Committee submitted its findings and recommendations on the case on June 15, 1995 (Exhibit “6”), he implemented the same “by ordering Engr. Caidic and Atty. Tezon to refund the expenses for scholarships granted them” (Records, p. 28); that the four (4) specifications of the aforequoted COA letter (Exhibit “3”), were the same subject-matter of an earlier letter dated July 9, 1996 (Exhibit “7”), which was sent to him by LIT Resident Auditor Aurora S. Guy-Uyco, and on which he had acted through his letter dated July 25, 1996 (Exhibit “8”), favorably recommending approval of respondent Caidic’s request for extension of his (Caidic) scholarship at SAIDI for a period of another forty (40) months as per letter dated July 22, 1996 (Exhibit “9”); that he acted on the COA letter dated June 11, 1997 (Exhibit “10”) and the COA Decision No. 95-647 dated November 21, 1995 (Exhibit “11”), “by instructing the Chief Accountant, Elvira C. Valdemoro, to effect the refund as far as Engr. Caidic is concerned x x x”; that the said LIT Chief Accountant, however, went “on AWOL for the period from October 06, 1994 to February 28, 1995 and the records were

with her until finally when he had to drop her from employment and declare her position vacant effective March 01, 1995, for abandonment” (Exhibit “14”); and that on account of lack of records to refer to, the implementation of COA Decision No. 95-647 was finally effected through the issuance by respondent of Memorandum dated October 11, 1999, directing Engr. Caidic “to settle these matters as early as possible so as to avoid further stern action from the Commission on Audit” (Exhibit “15”).

“Anent Specifications Nos. 2 and 3 of the COA letter above, respondent de la Rosa states that “scholarship grants to other employees” are already covered by corresponding scholarship agreements, about which he submitted sample Agreements as evidence therefor (Exhibits “16”, “16-A”, “16-B”, “16-C” and “16-D”); that certain reforms have been “implemented only during his (sic) incumbency in dutiful compliance with pertinent laws, rules and regulations” such as the provision for scholarship agreements with LIT scholars and grantees; and that for the responsibility of monitoring the progress of LIT scholars and grantees, among others, he had initiated the formation of a Staff Development Committee headed by Dr. Iluminado Nical under Special Order No. 07, s. 1998 (Exhibit “17”).

“The crux of the issue in the case at bar is whether or not respondent de la Rosa had in fact been remiss in the discharge of his duties and responsibilities as LIT President, particularly in the implementation of the COA audit findings and recommendations as summarized in the letter dated January 28, 1997.

“Since the only hearing conducted on the instant case was the preliminary conference hearing held on October 25, 1999, and considering the fact that during said hearing the respondent through counsel had decided to submit the case for resolution based on the records, the evidence in chief against him are essentially the documents/records which are annexed to the letter-complaint dated September 11, 1999 (Records, pp. 2-14).

“On the other hand, the herein respondent through counsel formally submitted in support of his averments and/or explanations relative to the charges against him, various documents/records through Respondent’s Memorandum and Formal Offer of Exhibits dated November 17, 1999 (Records, pp. 85-95), all of which have been admitted by the Commission (Records, p. 96).

“A careful review and evaluation of the records of the case at bar discloses that it is true as indicated by respondent de la Rosa – who was first appointed as President of the Leyte Institute of Technology on February 20, 1992, by then President Corazon C. Aquino (Exhibit “1”), and subsequently, re-appointed pursuant to R.A. 8292 (1997) by the LIT Board of Trustees, effective March 9, 1998 (Exhibit “2”) – that the awards of scholarship/grants to Engr. Caidic and Atty. Tezon effective as of the Second Semester of SY 1988-1989), were indeed given before he assumed the presidency of the Leyte Institute of Technology.

“However, it is likewise indubitable that the enforcement of the COA audit findings and recommendations on the issues or specifications as contained in the aforementioned COA letter dated January 28, 1997 (*supra*), including the resignation of Atty. Tezon effective November 3, 1992, which was approved under LIT Board of Trustees Resolution No. 68, s. 1992 (Records, p. 42), all came about during

the period of respondent de la Rosa's incumbency as LIT President. This fact is made crystal clear through the COA letters dated July 9, 1996, January 28, 1997 and July 29, 1997, which are all addressed to respondent de la Rosa (see Records, pp. 41-44; 33-34; and 10-11).

"At any rate, with the view to afford a more orderly presentation and deeper appreciation of the charges against the respondent, the specifications as indicated in the COA letter dated January 28, 1997 (*supra*), are hereunder, *seriatim*, viz:

"1. Failure to implement the COA audit finding/recommendation requiring Engr. Caidic and Atty. Tezon to refund the amounts for their respective scholarship expenses, on account of their failure to finish or graduate from their courses at SAIDI.

"The first action taken by respondent de la Rosa on the questioned scholarship grants of Engr. Caidic and Atty. Tezon had been the creation of a Fact-Finding Committee through his issuance of Special Order No. 45, s. 1994 (Exhibit "5"), to investigate an alleged possible disbursement of government funds as LIT-SAIDI scholars involving said LIT officials; and that the said Committee submitted its findings and recommendations on the matter through a Memorandum dated June 15, 1995 to the LIT President (Exhibit "6").

"Regarding this matter, it is not intrinsically correct for respondent to have indicated in his Counter-Affidavit (Records, p. 28) that "(o)n the first instance that the issue officially came into my knowledge sometime in 1994, I issued Special Order No. 45, s. 1994 x x x", since it is self-evident on the face of the Order itself that the issuance thereof had been "(p)ursuant to the Institute's Board of Trustees order during its 231st board meeting dated December 11, 1994 at the University of Eastern Philippines, University Town, Northern Samar x x x"; and that moreover, respondent has not submitted any proof or evidence to support his statement that in 1994, "(p)er findings and recommendations of the committee, I implemented the same by ordering Engr. Caidic and Atty. Tezon to refund the expenses for scholarship granted them" (*Ibid*).

"The second action taken by respondent on the aforesaid specification appears to have been through his letter dated July 25, 1996 (Exhibit "8"), addressed to the LIT Resident Auditor, favorably recommending the grant of an extension of another forty (40) months on the questioned scholarship grant, including such other additional benefits as book allowance, travel fares and expenses for training modules, as requested by Engr. Caidic through his letter dated July 22, 1996 (Exhibit "9"). The said action by respondent de la Rosa which seems to be comparatively prompt, was apparently taken by him after his receipt of the LIT Resident Auditor's Memorandum dated July 9, 1996 (Exhibit "7"), or a period of sixteen (16) days only. However, except for his favorable recommendation on the request of Engr. Caidic, it is clear that respondent had not taken any action at the time on the other subject-matter of the LIT Resident Auditor's Memorandum dated July 9, 1996 (Exhibit "7").

"The third action taken by respondent on this issue appears to have been through his Memorandum dated October 11, 1999 (Exhibit "15"), addressed to Engr. Caidic, calling his attention on the COA Decision No. 95-647 (Exhibit "11"), the letter dated June 11, 1997 of COA Chairman Celso D. Gangan (Exhibit "10")

and the LIT Resident Auditor's Memorandum dated July 9, 1999 (Exhibit "7"), and directing him "to settle these matters as early as possible so as to avoid further stern actions from the Commission on Audit".

"It will be noted that in contrast to his second action, it took the respondent more or less two (2) years and four (4) months after his receipt of COA Chairman Gangan's letter dated June 11, 1997, and three (3) years, three (3) months and two (2) days after his receipt of the LIT Resident Auditor's letter dated July 9, 1996, before he took his action of October 11, 1999, which not surprisingly, it was not heeded since even its wordings are neither clear-cut nor categorical. It will further be noted that the wishy-washy action taken by respondent does not square with the urgency of the COA request in its two (2) letters dated January 28, 1997, wherein the respondent had been asked to have the audit findings and recommendations "be fully implemented and the audit disallowance contained under COA Decision No. 647 dated November 21, 1995 be settled" (Records, pp. 33-34; Exhibit "3"), and dated July 29, 1997, wherein he was further reminded that the subject disallowance on the salaries paid to Engr. Caidic had become "final and executory" (Records, p. 10).

"The fourth action taken by the respondent on this specification appears to have been through his Memorandum dated November 3, 1999 (Exhibit "19"), directing Engr. Caidic to effect the refund of the amounts of P103,260.00, representing salaries received by him as Assistant Administrator of evening classes at LIT, and P36,089.30 representing the expenses incurred for his scholarship at SAIDI, effective December 1, 1999. In the same Memorandum, which is an addendum to his earlier Memorandum dated October 11, 1999 (Exhibit "15"), respondent de la Rosa further stated that "(i)f you opt for a staggered payment, you are directed to submit a written schedule of payment within five (5) days from receipt hereof with the approval of the LIT Resident Auditor".

"It should be pointed out that the aforesaid fourth action on November 3, 1999 was taken by respondent de la Rosa after the filing with the Commission of the present case and after he and his counsel attended the scheduled initial preliminary conference hearing thereon held on October 25, 1999 (Records, p. 82).

"The fifth and final action taken by the respondent on this issue appears to have been through his Memorandum dated November 15, 1999 (Records, p. 99), addressed to Engr. Caidic, which specifically directed him to effect the payment of the amounts of P103,260.00 and P36,089.30 on December 1, 1999" (Records, p. 99).

"The aforesaid fifth and final action of the respondent on this issue was received through fax by the Commission on December 1, 1999, which it could be surmised, was sent by the respondent or his counsel on account of its non-inclusion on the respondent's Memorandum and Formal Offer of Exhibits dated November 17, 1999 (Records, pp. 85-95).

"Also received by the Commission, together with the aforesaid fifth and final action by respondent de la Rosa, is a copy of a letter dated November 9, 1999, of LIT Vice President Caidic, addressed to the COA Resident Auditor at LIT, in which he is appealing that the "refund of disallowance relative to COA Decision

No. 95-647 and tuition fee for SAIDI Scholarship x x x be effected upon my retirement to be charged from the retirement funds x x x" (Records, p. 98).

"On this issue, therefore, aside from lack of proof to support certain explanations that he submitted, respondent de la Rosa not only took an unreasonably long period of time to take action on the COA audit finding and recommendation on the manner but also showed an unwarranted conduct or attitude thereon which may be viewed as giving undue advantage to his co-respondent Gonzalo B. Caidic and/or lack of commitment to public interest.

"Accordingly, respondent de la Rosa's explanation and/or defense on this specification is undoubtedly unsatisfactory and unacceptable, about which he should be held liable therefor.

"2. Failure to execute scholarship contracts with LIT scholars/grantees, particularly with Engr. Caidic as recommended by COA to safeguard the interest of the Government.

"It is gathered that the COA recommendation regarding scholarship contracts to be signed by and between the scholars/grantees and the school administration had been earlier brought to the attention of the LIT administration in the COA 1990 Annual Audit Report on the Institute; that in relation to the respondent in particular, the COA through its LIT Resident Auditor has brought to his attention the same matter in two (2) separate instances, first, through Memorandum dated July 9, 1996 (Exhibit "7"), and second, through the letter dated January 28, 1997 (Exhibit "3"); that in the two (2) COA letters (Exhibits "7" and "3"), it was explicitly indicated that "(m)anagement should execute a Scholarship Contract with Engr. Caidic to assure faithful adherence to the terms and conditions thereto and to safeguard the interest of the government", which respondent failed to comply and has not at all complied with until the present time; and that while it appears that the respondent has implemented the said requirement in a number of other cases, it also took him a considerably long period of time to do so, as evidenced by the dates of the copies of the scholarship contracts/agreements he submitted which are respectively dated June 7, 1999 (Exhibit "16"), May 24, 1999 (Exhibit "16-a"), dated May 24, 1999 (Exhibit "16-b"), dated May 24, 1999 (Exhibit "16-c") and dated May 24, 1999 (Exhibit "16-d").

"Viewed in the context of time from July 9, 1996 when respondent de la Rosa was first requested to implement the requirement on scholarship agreements with LIT scholars/grantees to the time when he actually implemented the said requirement as of May 24, 1999, when he signed as Grantor the agreements of same date (Exhibit "16-a" and "16-b"), or a period of two (2) years, eight (8) months and sixteen (16) days, and more importantly, on account of his unexplained failure to provide Engr. Caidic with the required scholarship contract as repeatedly recommended by the COA, it is axiomatic that respondent's explanation and/or defense relative to this issue must likewise fall.

"3. Failure to institute an effective system or mechanism of monitoring the progress of LIT scholars/sgrantees.

"While it cannot be denied that there are indeed certain reforms implemented during the incumbency of respondent de la Rosa as he pointed out in his counter-affidavit, such as the designation through Special Order No. 07, s. 1998 of

Dr. Iluminado Nical as Chairman of the LIT Staff Development Committee, whose functions, among others, is to monitor the progress of LIT scholars/grantees (Exhibit “17”), yet it is a fact that the copy of “Implementing Guidelines of the Training and Staff Development of the Leyte Institute of Technology” (Exhibit “18”), has yet to be approved by the LIT Board of Trustees for the same to be considered as effective.

“Thus, the same observations specifically in relation to the factor of time in taking action vis-a-vis the first two (2) issues or specifications above should likewise be applied to the present issue or specification.

“4. Failure to implement the refund of honorarium paid to Engr. Caidic as Assistant Administrator of evening classes, which was denied in audit as per COA Decision No. 95-647 dated November 21, 1995 and affirmed through letter dated June 11, 1997 signed by COA Chairman Celso D. Gangan.

“The explanation of respondent to the effect that he “acted on said decisions by instructing the Chief Accountant, Elvira C. Valdemoro, to effect the refund as far as Engr. Caidic is concerned, however, said Chief Accountant was on AWOL for the period from October 06, 1994 to February 28, 1995 x x x” (Records, p. 29), is simply untenable and unbelievable, for the reason that Engr. Caidic filed a request for reconsideration of the COA Decision No. 95-647 and he received a copy of the decision on his request only on September 23, 1996, and that he thereafter filed a letter of appeal on the same matter to the President Fidel V. Ramos, who referred the said appeal to the COA which informed him that the matter “could not be given due course on the ground that the decision therefor has already become final and executory” (Records, p. 47; Exhibit “10”). The further explanation or insinuation of the herein respondent that as a cause of the delay on his action to the effect that “we could not finally act on the matter as there were no available records as yet to refer to” for the reason that the LIT Chief Accountant who went on AWOL had “the records with her”, is likewise untenable and unacceptable, since he had not given any reason at all as to why the said school official on AWOL had the records in her possession in the first place (Records, p. 29).

“Reckoned from the time the LIT Resident Auditor apprised the respondent through her letter dated July 29, 1997 (Records, p. 10), that the disallowance on the payment of salaries to Engr. Caidic as Assistant Administrator of evening classes at LIT for the years 1988 to 1990 “had become final and executory”, and requested him to “facilitate the prompt settlement of said disallowance”, to the time he actually took action on the matter through his Memorandum dated October 11, 1999 (Exhibit “15”), it took the respondent a period of two (2) years, two (2) months and twelve (12) days, to do so, and even the action he took evinces an attitude of indifference as if directed Engr. Caidic only “to settle these matters as early as possible so as to avoid further stern actions from the Commission on Audit” (Exhibit “15”).

“In fairness to respondent de la Rosa, the subsequent action he had taken on this issue or specification, namely, his Memoranda dated November 3, 1999 and November 15, 1999 (Records, pp. 95 and 99), both addressed to Engr. Caidic, are definitely more clear-cut and categorical although as earlier pointed out the said actions came about after the filing of the present complaint, and more importantly,

after the respondent's attendance at the initial preliminary conference hearing thereon held on October 25, 1999. As earlier indicated above, Engr. Caidic has finally submitted an appeal to pay his accountabilities/disallowances when he retires from the service, which can be conceded as having been triggered by said two (2) letters of respondent.

"The relevant observations on Issues 1, 2 and 3 above should also be applied to the present issue or specification herein.

"In sum, this Commission holds that respondent de la Rosa's liability in the instant case proceeds from his palpable unjustified failure to take appropriate action within a reasonable period of time, on the matter of Issues/Specifications Nos. 1, 2, 3 and 4 above, which thereby lend credence to the report that there was connivance, between him and his co-respondent Gonzalo B. Caidic, or more specifically, that he was giving undue advantage in Caidic's favor to the prejudice of the Government. For this, respondent de la Rosa violated Section 1, Chapter 1 and Section 55, Chapter 10, Subtitle B, Title I, Book V of Executive Order No. 292, Section 4(a) of Republic Act No. 6713 and Section 3(f) of Republic Act No. 3019. Such violations constitute Neglect of Duty which is a ground for disciplinary action under Section 36(a)(3), Article IX of Presidential Decree No. 807 (1985) and punishable under Memorandum Circular No. 30, s. 1989 of the Civil Service Commission.

"WHEREFORE, premises considered this Commission hereby resolves, and so recommends to His Excellency, President Joseph Ejercito Estrada, that respondent Gregorio T. de la Rosa, President, Leyte Institute of Technology, be held liable for SIMPLE NEGLIGENCE OF DUTY and he be suspended from office for a period of six (6) months without pay.

"SO RESOLVED."

After an exhaustive study of the records of the instant case, this Office concurs with the findings and conclusions of the Presidential Commission Against Graft and Corruption, supported as they are by substantive evidence on record.

WHEREFORE, in view of the foregoing and as recommended by the Presidential Commission Against Graft and Corruption, respondent Gregorio T. de la Rosa, President, Leyte Institute of Technology, is hereby suspended from office without pay for a period of six (6) months, effective upon his receipt hereof.

SO ORDERED.

Done in the City of Manila, this 29th day of JUNE, in the year of our Lord Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 129
CREATING THE DEFENSE EXHIBITION COORDINATING COMMITTEE TO
SUPPORT DEFENSE ASIA 2000

WHEREAS, the President has approved on 27 April 1999 the holding of the 9th International Defense Equipment Exhibition and Conference (Defense Asia 2000) in the country;

WHEREAS, the holding of the above Conference in the country will provide significant impetus in the implementation of the AFP Modernization Program as well as opportunities to enhance cooperation for regional stability;

WHEREAS, there is a need to provide mechanism to efficiently coordinate the preparations for the holding of the Conference in Manila and thus, ensure the success of the exhibition and conference.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order that:

SECTION 1. Creation of the Committee. There is hereby created a Defense Exhibition Coordinating Committee hereinafter referred as the Committee to coordinate the preparations for the holding of the 9th International Defense Equipment Exhibition and Conference in Manila in September 2000.

SECTION 2. Composition. The Committee shall be chaired by the Secretary of National Defense with the Secretaries of Foreign Affairs and of Science and Technology as Vice-Chairmen; and the Departments of Trade and Industry, and of Tourism, the representatives from which shall be designated by their respective Department Heads from among their Senior Officials with the rank of at least Undersecretary; the Chief of Staff of the AFP, the Press Secretary, and Heads of the Bureau of Customs, Bureau of Immigration, Philippine National Police, Bureau of Fire Protection, Manila International Airport Authority, and Philippine Ports Authority, as members.

SECTION 3. Duties and Functions. The Committee shall have the following duties and functions:

- a. Serve as a focal point of coordination on the preparations for the holding of the above Conference in Manila;
- b. Ensure the unhampered conduct of the Conference as well as the safety of its participants;
- c. Provide linkage for the local private sector's meaningful participation in the Conference;
- d. Submit to the President, through the DND Secretary, progress report on the preparations, conduct and results of the Conference; and
- e. Perform other functions which may be deemed necessary by the President.

SECTION 4. Administrative Support. The DND shall provide technical and administrative support to the Committee in the effective discharge of its functions. It may also enlist the support of the concerned agencies, local government units and/or government-owned and controlled corporations, to ensure the success of the Conference in Manila.

SECTION 6. Effectivity. This Administrative Order shall take effect immediately.

Done in the City of Manila, Philippines, this 29th day of June, in the year of our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 130

**CREATING AN INTER-AGENCY TASK FORCE TO PREPARE AND IMPLEMENT THE PLANS
AND PROGRAMS FOR THE MAINTENANCE AND BEAUTIFICATION OF ALL ROADS
LEADING TO THE DOMESTIC AND INTERNATIONAL GATEWAYS IN METRO MANILA**

WHEREAS, in a public hearing conducted by the House of Representatives' Committee on Tourism, it was concluded that there is a need to enhance the visual image of the Philippines' major domestic and international gateways through the beautification, rehabilitation and maintenance of all major roads leading to these gateways;

WHEREAS, this concern is well-founded as these gateways serve as the first point of destination and impression for tourists and other visitors;

WHEREAS, these gateways cut across several geographical boundaries and destinations including the Manila Bay and its environs, which needs to be preserved, developed and rehabilitated to further harness its tourism potentials;

WHEREAS, in order to effectively implement such undertaking, an inter-agency Government Task Force has to be constituted to ensure that policies and programs are coordinated and resources are efficiently and judiciously managed;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Nature and Function of the Task Force. An inter-agency Task Force is hereby created to prepare and implement the plans and programs for the beautification and maintenance of all roads leading to the major domestic and international gateways in Metro Manila.

SEC. 2. Composition of a Task Force. The Task Force shall be composed of the following government agencies:

- | | |
|---|---------------|
| a. General Manager, Philippine Tourism Authority | – Chairperson |
| b. Undersecretary, Department of Budget and Management | – Member |
| c. Undersecretary, Department of Public Works and Highways | – Member |
| d. Undersecretary, Department of Social Welfare and Development | – Member |
| e. General Manager, National Housing Authority | – Member |
| f. General Manager, Philippine Ports Authority | – Member |
| g. Chair, Public Estates Authority | – Member |
| h. General Manager, Ninoy Aquino International Airport | – Member |
| i. Mayor, City of Pasay | – Member |
| j. Mayor, City of Parañaque | – Member |
| k. Mayor, City of Manila | – Member |
| l. General Manager, Metro Manila Development Authority (MMDA) | – Member |

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- | | |
|--|----------|
| m. Chief Operations Officer, Philippine Amusement and Gaming Corporation | – Member |
| n. Regional Director, Department of Tourism-National Capital Region | – Member |
| o. Commander, First Coast Guard District, Philippine Coast Guard | – Member |

SEC. 3. Submission of Report. The Task Force shall within ninety (90) days from the effectivity of this Order submit to the Office of the President for consideration its plans and programs on the beautification, rehabilitation and maintenance of all roads leading to the major domestic and international gateways in Metro Manila, including the required financial resources.

SEC. 4. The Task Force shall have the authority to accept donations, grants, contributions, and any other form of assistance from private or government entities to support all of its activities.

SEC. 5. All concerned departments, agencies and offices of the government including government owned and controlled corporations, are enjoined to extend their support and resources on this endeavor.

SEC. 6. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 17th day of July, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

OFFICE OF THE PRESIDENT
OF THE PHILIPPINES
MALACAÑANG

ADMINISTRATIVE ORDER NO. 131

DESIGNATING THE NATIONAL HISTORICAL INSTITUTE AS THE INITIATOR AND
IMPLEMENTATOR OF THE VARIOUS CENTENNIAL CELEBRATIONS RELATING
TO THE PHILIPPINE-AMERICAN WAR

WHEREAS, on February 4, 1999, the nation commemorated the centennial of the Outbreak of the Philippine-American War which signaled the start of other major battles between the Filipino revolutionists and the American forces;

WHEREAS, on their great resolve to defend the Republic from the American forces, the Filipino patriots offered their lives in defense of the Motherland through the many battles fought throughout the Philippine archipelago;

WHEREAS, some of these major battles fought by the Filipino freedom fighters under the leadership of General Emilio Aguinaldo during the Philippine-American War include the “Battle of Cagayan de Misamis” (April 7, 1900) and “Battle of Makahambus Hills” on June 4, 1900, both in Cagayan de Oro City; the “Battle of Paye” (July 31, 1900) in Boac, Marinduque; the “Battle of Mabitac” (September 17, 1900), and many others of local and national historical significance;

WHEREAS, it is important that the heroic deeds and patriotism of our heroes and heroines during the Philippine-American War which contributed immensely to the freedom and political emancipation of our people and the final march towards national progress must be inculcated in the minds of our citizenry, particularly the youth of the land;

WHEREAS, by virtue of Presidential Decree No. 1, dated September 24, 1972 which created the National Historical Institute and Executive Order No. 80, dated March 5, 1999 which provides for the National Center for Culture and the Arts (NCCA) to have administrative supervision over the Cultural Center of the Philippines, Commission on Filipino Language, National Museum, National Historical Institute, National Library and the Archives Office.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. There is hereby constituted a National Executive Committee to commemorate the various centennial celebrations relating to the Philippine-American War which shall be composed of the Chairman and Executive Director of the National Historical Institute, as Chairman, with the following members:

Undersecretary of Tourism
Undersecretary of Education, Culture and Sports
Undersecretary of Public Works and Highways
Undersecretary of Interior and Local Government
Undersecretary of Budget and Management
Undersecretary of National Defense
Undersecretary of Transportation and Communication

Head, Philippine Information Society
Director General, Philippine National Police
Chief of Staff, Armed Forces of the Philippines
Governors of Marinduque, Laguna and Misamis Oriental
Mayors of Torrijos and Boac, Marinduque, Mabitac, Laguna and Cagayan de Oro City, Misamis Oriental
National President, Boy Scouts of the Philippines
National President, Girl Scouts of the Philippines
Other members from government and private sectors, as may be designated by the National Historical Institute.

Section 2. The Committee shall take charge of the nationwide preparations for the centennial celebrations of the various events relating to the Philippine American War. For this purpose, it shall have the following responsibilities:

- (a) To undertake the overall study, conceptualization, formulation and implementation of the necessary programs/activities of the centenary celebrations;
- (b) To act as overall coordinator for the nationwide promotion and dissemination of all centennial related programs/activities;
- (c) To organize sub-committees and sub-working groups which shall undertake the implementation of the Committee's programs and other related undertakings;
- (d) To call upon any government agency or instrumentality and corporation, and to invite private individuals and organizations to assist the Committee in the performance of its tasks and for such financial assistance as it may deem necessary in the discharge of its functions but only for the duration of the celebrations; and
- (e) To submit regular reports to the President on the plans, programs, projects, activities as well as the status of the preparations for the celebrations.

Section 3. The release of an initial amount of THREE MILLION PESOS (P3,000,000) chargeable against FY 2000 President's Contingent Fund is hereby authorized to carry out the provisions of this Administrative Order. Any deficiency shall be charged against the regular budget of the participating agencies.

Section 4. This Administrative Order shall take effect immediately.

Done in the City of Manila, this 19th day of July, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 132
CREATING AN INTER-AGENCY DRAFTING COMMITTEE TO DRAFT A POLICY
GUIDELINES AND FRAMEWORK FOR PHILIPPINE PARTICIPATION IN
UN PEACEKEEPING OPERATIONS

There is hereby created an Inter-Agency Committee to draft a “Policy Guidelines and Framework for Philippine Participation in UN Peacekeeping Operations”, composed of representatives of the following:

Department of Foreign Affairs	—	Chair
Department of National Defense	—	Co-Chair
Armed Forces of the Philippines	—	Member
Philippine National Police	—	Member

The Committee shall, among other things, take into consideration the increasing role of the Philippines in UN Peacekeeping operations.

The Committee is authorized to call upon any department, bureau, office, agency or instrumentality of the government, for such assistance as it may need in the accomplishment of its task.

This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 19th day of July, in the year of Our Lord, Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 133
IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE FOR SIX (6) MONTHS WITHOUT
PAY ON NAGA CITY SANGGUNIAN PANLUNGSOD MEMBER FIEL L. ROSALES FOR
ABUSE OF AUTHORITY AND OPPRESSION

The case arose from the sworn-complaint of Mr. Orlando N. Olavere against Kagawad Fiel L. Rosales of the Sangguniang Panlungsod of Naga City, concerning the alleged harassment, oppression and abuse of authority of the herein respondent, when the latter ordered the stoppage of the construction of a five (5)-door apartment situated at Lomeda Subdivision, San Felipe, Naga City, and ordered the arrest and detention of the complainant.

In his answer, respondent avers, *inter alia*, that he cannot be held liable for harassment or oppression when he ordered the stoppage of the construction considering that he is merely implementing the Local Building Code of Naga City. He claims that it is the City Mayor of Naga and not the City Engineer who has the authority to issue a building permit. Respondent likewise contends that the alleged permit held by the complainant is not valid since it was not issued by the City Mayor of Naga. Finally, respondent posits the view that there is nothing irregular when he asked the complainant to stop the construction, the same being illegal.

In compliance with Administrative Order No. 23, as amended, the DILG set this case for preliminary conference and formal investigation at the Office of the DILG City Director of Naga City. During the proceedings, the parties agreed to submit the case for resolution on the basis of their position papers.

In determining whether or not respondent is guilty of the charges leveled against him, the following issue has to be resolved: Whether the conduct of the respondent in ordering the stoppage of the construction of the said apartment and the arrest and detention of the complainant in the police detachment constitute oppression and abuse of authority.

“Oppression” has been defined as an “act of cruelty, severity, unlawful exaction, domination and excessive use of authority.” (*Ochate v. Deling*, 105 Phil. 384)

“Abuse” means “to make excessive or improper use of a thing or to employ it in a manner contrary to the natural or legal rules for its use. To make an extravagant or excessive use, as to abuse one’s authority.” [*Black’s Law Dictionary* (5th Ed.)]. It includes misuse (*City of Baltimore v. Corneilville & S.P.P. Ry, Co.*, G. Phil. 190).

Now does the above narration of facts show the commission by respondent of the administrative offenses complained of?

Respondent’s answer and position paper try to justify his acts by claiming that he is merely implementing the Local Building Code of Naga City (City Ordinance No. 97-081). I find this contention devoid of merit. Section 7, Title II of the said Ordinance, states:

“The administration and enforcement of the provisions of this Code including the imposition of penalties for administrative violations thereof is hereby vested in Building Official of the City of Naga.”

Taking into account the foregoing provision, respondent, not being the public officer mentioned to enforce the Local Building Code, has no basis to implement said building ordinance. As he did, respondent demonstrated his abusive manner.

We come now to the arrest and detention of the complainant. Again, respondent justifies the same by invoking City Ordinance No. 93-088, specifically Section 1 thereof. Said section authorizes any member of the Philippine National Police stationed in Naga City and the twenty seven (27) Punong Barangays thereat to apprehend at site and detain for six (6) hours in the city jail any person caught in the act of supervising and/or performing construction works of any type of structure on both public and private properties without an approved building permit. Nowhere in the mentioned provision of the Ordinance is respondent clothed with authority to order the arrest and detention of any person, in this case, the complainant.

Respondent’s defense that there is nothing irregular when he ordered the arrest and detention of the complainant since the latter’s construction is illegal, is untenable. As a public officer, respondent has a sacred duty to observe the rule of law. The foregoing factual setting shows a wanton disregard of the rule of law on the part of the respondent which is tantamount to abuse of authority and oppression.

WHEREFORE, as recommended by DILG as Investigating Authority, Naga City sangguniang panlungsod member Fiel L. Rosales is hereby suspended from office for six (6) months without pay for abuse of authority and oppression immediately upon receipt hereof.

The DILG is hereby directed to execute and implement this Order with dispatch.

DONE in the City of Manila, this 19th day of July, in the year of our Lord, two thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 134
CREATING AN INTER AGENCY OVERSIGHT COMMITTEE ON INVESTMENT DATA
COLLECTION AND ANALYSIS AS INPUTS TO PLANNING AND DECISION-MAKING OF
GOVERNMENT AND THE PRIVATE SECTOR

WHEREAS, authoritative information on direct local and foreign investment flows and activities and their analysis, can serve as critical tools for planning and decision-making by the government and the private sector in order to maximize the contribution of direct investments to the economic growth and development;

WHEREAS, to formulate sound investment targets and policies, there is also a need to monitor the success of government programs through realized investments and provide accurate feedback including in-depth analysis of issues and problems;

WHEREAS, there is an existing Inter Agency Committee on Foreign Direct Investment Statistics (IAC-FDIS) created by the NSCB Executive Board through Board Resolution No. 11, series of 1996 to generate integrated information on foreign direct investments;

WHEREAS, the NSCB IAC-FDIS has established through inter-agency collaboration the Philippine Foreign Investments Information System with data inputs provided by the IAC-FDIS members namely the Securities and Exchange Commission (SEC), Bureau of Trade and Regulation and Consumer Protection (BTRCP), Bangko Sentral ng Pilipinas (BSP), Board of Investments (BOI), Subic Bay Metropolitan Authority (SBMA), Philippine Economic Zone Authority (PEZA) and Clark Development Corporation (CDC).

NOW, THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me, hereby order:

SECTION 1. Creation of the Inter-Agency Committee on Investment Analysis, Promotion and Management (IAC-IAPM). There is hereby created under the Office of the President, the Inter-Agency Committee on Investment Analysis, Promotion and Management, hereinafter referred to as the Oversight Committee.

1.1 The membership of the Oversight Committee shall be as follows:

Secretary of Trade and Industry (DTI)	–	Chair
Director-General, National Economic Development Authority (NEDA)	–	Co-Chair
Governor, Bangko Sentral ng Pilipinas (BSP)	–	Member
Chairman, Securities and Exchange Commission (SEC)	–	Member
Managing Head, Board of Investments (BOI)	–	Member
Director-General, Philippine Economic Zone Authority (PEZA)	–	Member
Chairman, Subic Bay Metropolitan Authority (SBMA)	–	Member

President, Clark Development Corporation (CDC)	– Member
A private sector representative appointed by the President	– Member

1.2 The Committee shall have the following functions:

- 1.2.1 Evaluate and review existing investment strategies and formulate sound investment targets/policies;
- 1.2.2 Monitor the success of government investment programs and policies;
- 1.2.3 Identify and address bottlenecks on investment promotion and management;
- 1.2.4 Analyze information on foreign direct investments generated independently by the statistical system through the existing NSCB Inter-Agency Committee on Foreign Direct Investment Statistics as well as from private data sources;
- 1.2.5 Encourage and support the improvement and strengthening of data collection and harmonization of investment statistics by the statistical system through the NSCB IAC-FDIS;
- 1.2.6 Render a periodic Special Report to the President on the direct investment performance of the country, success of government programs with an analysis of its impact on the economy and make recommendations thereon.
- 1.2.7 Undertake other related functions as may be required by the President.

SEC. 2. Administrative Support to the Committee. A Secretariat to the Committee is hereby established within the Board of Investment.

SEC. 3. Funding source. The member agencies of the Committee shall allot part of their budget for the implementation of this Order.

SEC. 4. Repealing Clause. All executive rules, regulations and other issuances or parts thereof which are inconsistent with the Administrative Order are hereby revoked or modified accordingly.

SEC. 5. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 30th day of August, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 135
CENSURING MR. ROMEO N. ALCASID, DIRECTOR OF THE BUREAU OF
ANIMAL INDUSTRY, WITH WARNING

This refers to the Administrative case filed by Messrs. Romulo S. Directo and Crisanto P. Cerezo against Director Romeo N. Alcasid, Martiniano dela Cruz, Lilia B. Bernal, Aurora Capiral and Lolita Castillo, all of the Bureau of Animal Industry for Graft and Corruption, and Harassment arising from the withholding of complainants' salaries from July 1, 1994 until they report to their place of assignment at the Domarao Livestock Production Center in Capiz. The case was investigated by the Presidential Commission Against Graft and Corruption (PCAGC).

Records show that on September 1, 1991, complainant Directo was appointed as Agriculturist II, and was assigned at the Domarao Livestock Production Center in Domarao, Capiz. The other complainant Cerezo applied for the position of Agricultural Technologist at the Livestock Development Division, Central Office (Manila). His appointment was approved, but instead of being assigned to the Central Office, he was likewise deployed to Domarao Livestock Production Center in Capiz.

On September 6, 1991, complainants were each asked to sign a Certification by respondent Romeo N. Alcasid, Director of the Livestock Development Division, to the effect that they were agreeable to the assumption of their duties at the Domarao Livestock Production Center in Capiz. This Certification was presented as common evidence by both parties during the trial.

On September 23, 1991, respondent Alcasid wrote a Memorandum to complainant Directo informing him that his appointment was already approved, and that he has to report, effective October 1, 1991, to the Chief, Livestock Development Division, for assignment to duty at the Domarao Livestock Production Center in Domarao, Capiz.

However, instead of reporting to Domarao, complainant Directo continued to report for work at the main office in Manila up to the present time. He visited his work station in Capiz only on certain occasions, at least eight (8) times since his appointment in 1991. But despite such arrangement, complainant never stopped receiving his salary until July 1994. Hence, this complaint for alleged illegal withholding of his salary.

Respondents justified the withholding of complainant's salary for the month of July, 1994 on the sole ground that since "complainant has not assumed his duties as Agriculturist II at Domarao, Capiz, he certainly is not entitled to receive the increased salaries corresponding to said position." (Memorandum of Arguments for the Respondents).

Complainant Directo countered that he reported for work to their main office in Manila for the whole month of July 1994, as evidenced by his daily time record for the said month, duly signed by his supervisor. He further alleged that he was reluctant to sign the said Certification, but he was prevailed upon by his immediate head, Director Onofre S. Bonifacio, and was assured that such Certification would not in any way disturb his present work assignment in their main office, as he was actually proposed for the vacant position existing at the office of the Livestock Development Division in Manila.

Complainant Directo further contended that the Certification requirement was being applied by respondent Alcasid on a selective basis, as not all those who were newly-appointed and assigned to the

field were asked to sign the same. Complainant alleged that he and the other complainant Cerezo were the first to be asked to do so for no other reason but to harass them.

Incidentally, a complaint against herein complainants Directo and Cerezo was filed by respondent Alcasid before the Office of the Ombudsman on September 16, 1993 for alleged violation of Section 3(e) of Republic Act No. 3019, for their willful refusal to report to their place of assignment in Domarao Livestock Production Center in Capiz. In a Resolution dated August 19, 1994, the Office of the Ombudsman dismissed said complaint on the ground that no injury was caused to the government by Directo and Cerezo's failure to stay permanently in Domarao, Capiz. Furthermore, the Office of the Ombudsman found that the Certification-requirement of complainant Alcasid (respondent herein) was applied on a "selective basis" Thus,

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xxx From the facts gathered herein, the assignment of respondents to Domarao, Capiz was unnecessary and therefore uncalled for. It appearing that the other personnel (who were) promoted were not subjected to the same requirement of signing a certification of willingness to be assigned any where, it can only (be) surmised that complainant is biased against herein respondents, as further shown by complainant's inaction on the two previous recommendations of the promotion of herein respondent Directo, Jr. When asked why Director Alcasid is (sic) prejudiced against them, respondents alleged that they have been active in exposing anomalies and graft in the Bureau of Animal Industry. The very satisfactory performance ratings of herein respondents belie the charge that they are causing undue injury to the government by their failure to assume their assignments in Domarao, Capiz. It also appears that herein respondents are effective and productive in their present work at the LDD Central Office.

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After due evaluation, the PCAGC issued a resolution on September 28, 1994, finding respondent Alcasid guilty of discrimination against complainants and recommending that he be censured, with a warning that any repetition of said act shall be dealt with more severely. As to the other respondents, the complaint against them was dismissed for lack of evidence of their complicity to the discriminatory act of respondent Alcasid.

After careful study, this Office concurs in the findings and recommendation of the PCAGC.

The evidence veritably shows that complainants were indeed discriminated against by respondent Alcasid, as shown by the fact that they were the only ones asked to sign a Certification that they were willing to report to their place of assignment at Domarao Livestock Production Center in Capiz, while the other newly-appointed personnel of the same Division were not; or if they were, their salaries were not withheld even if they did not report regularly to their designated work station.

If the sole reason for the withholding of complainants' salaries was their refusal to assume their duties as Agriculturist II and Agricultural Technologist, respectively, in Domarao Livestock Production Center, Capiz, it strikes us that it was only their salary for the month of July 1994 that was withheld, and not those for the past months, years even, after their appointment as Agriculturist II and Agricultural Technologist in Domarao, Capiz was approved in September, 1991.

Respondent Alcasid's explanation that he allowed complainants to collect their salaries from September 1991 up to June 1994 although they were not regularly reporting to their duly designated station at Domarao, Capiz, because at first, he was lenient with the complainants, but later decided to be strict for their continued defiance of his orders to report to their designated station, only to relent later, and direct the release of their salaries starting 1995 upon threats of being hailed to court, fails to impress us. If respondent Alcasid believed in the lawfulness of his orders, no amount of threats, real or imagined, could have stopped him from implementing the same for then, he would have the law to protect him from any lawsuit the complainants may file against him.

Parenthetically, this Office, cannot countenance complainants' conduct of agreeing to their promotion as Agriculturist II and Agricultural Technologist, respectively, in Domarao, Capiz without reporting regularly to their place of assignment. Complainants committed mental dishonesty when they signed their promotion papers without meaning to carry out the corresponding duties of the same because they were assured that such Certification would not in any way disturb (their) present work assignment in the main office. While this practice may have been tolerated in the past, this Office finds the same reprehensible.

If complainants did not want to go to Capiz because their families were in Manila, and in the case of complainant Directo, he was at that time pursuing his Ph. D. in a university in the same place, then they should not have agreed to their promotion as Agriculturist II and Agricultural Technologist, respectively in Domarao Livestock Production Center. Instead, they should have held on to their former positions in the main office and waited for any vacancy which they could apply for.

Consequently, this Office is convinced that the withholding of **ROMULO DIRECTO JR.** and **CRISANTO CEREZO'S** salaries for the month of July, 1994, was justified.

WHEREFORE, Director Romeo N. Alcasid of the Bureau of Animal Industry is hereby censured and warned that repetition of the same act in the future will be dealt with more severely.

The complaint against the other respondents is dismissed for lack of evidence that will establish their complicity with the discriminatory act of respondent Alcasid.

Done of the City of Manila, Philippines, this 4th day of Sept., in the year of our Lord Two Thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 136

IMPOSING THE PENALTY OF ONE (1) MONTH AND ONE (1) DAY SUSPENSION WITHOUT PAY ON AMBASSADOR NELSON D. LAVIÑA, CHIEF OF MISSION I, AND SUSPENSION OF THREE (3) MONTHS WITHOUT PAY WITH SEVERE REPRIMAND ON NESTOR N. PADALHIN, CHIEF OF MISSION II, BOTH FOR SIMPLE MISCONDUCT AND BOTH OF THE DEPARTMENT OF FOREIGN AFFAIRS (DFA)

The administrative case against Ambassador Nelson D. Laviña, Ambassador Extraordinary and Plenipotentiary to Kenya stemmed from the charges issued against him by three (3) members of his staff, all Kenyan nationals, that he appropriated part of their salaries for his personal use, while that of Consul General Nestor Padalhin from charges raised against him by Ambassador Laviña.

On January 14, 1997, the Department of Foreign Affairs (DFA), through the Board of Foreign Service Administration (BFSA) requested this Office for a Presidential Authority to investigate the allegations of misconduct committed by Ambassador Laviña and also that of Consul General Padalhin at the Philippine Embassy in Nairobi, Kenya. The request was granted.

The Department of Foreign Affairs, through the Board of Foreign Service Administration (BFSA), constituted a Fact-Finding Team composed of Undersecretary Rosario G. Manalo, Office of Legal Affairs (OLA), Assistant Secretary Franklin M. Ebdalin and Ma. Theresa B. Dizon, FSO IV, and authorized the same to travel to Nairobi, Kenya from 20-30 April 1997 to conduct a fact-finding investigation pursuant to the authority granted by the Office of the President.

In a Memorandum dated 24 June 1997, the Secretary of Foreign Affairs transmitted to the Office of the President the findings of the Fact-Finding Team. The Team recommended, and the Secretary concurred, that Amb. Laviña be charged administratively without prejudice to the filing of appropriate criminal charges. Ambassador Laviña was administratively charged for Conduct Unbecoming of an Ambassador consisting of the following:

1. Illegally deducting a portion from the salaries of three Kenyan local hires of the Philippine Embassy, Nairobi, and using the deducted amount for his personal use;
2. For purchasing and keeping in his possession raw elephant tusks which is prohibited under Kenyan law;
3. For allowing the involvement of members of the Filipino community in the internal concerns of the Embassy;
4. For endorsing to an International Organization communications signed by an Embassy staff member containing defamatory statements against some members of the Filipino community as well as transmitting to that organization internal communications of the Department of Foreign Affairs;
5. For attesting to affidavits of Ms. Helen Tadifa, Finance Officer, containing defamatory statements against members of the Filipino community;

6. For improperly undertaking representational activities such as non-holding of an Embassy Celebration of the Philippines' National Day for members of the Diplomatic Corps in 1996 despite the release of US \$1,000 for this purpose, and instead allowing the said fund to be used as reimbursement for silverware dishes purchased by his spouse, Mrs. Estelita Laviña;
7. For compromising the security of the Embassy premises and communications by allowing the access of non-Embassy personnel to secured areas of the Embassy as well as to internal communications;
8. For charging to the Embassy funds expenses for personal telephone calls and fax communications, reasoning that his position as Ambassador entitles him to such a privilege; and
9. For mismanagement of the Embassy's operation particularly in fiscal-related matters.

On the other hand, Nestor N. Padalhin, Chief of Mission II, Special Assistant to the Undersecretary for International Economic Relations and formerly Minister-Counselor and Consul General, Philippine Embassy, Nairobi, was charged of Conduct Unbecoming of an Officer as manifested in the following acts:

1. For planning and executing the violation of the residence of the Philippine Ambassador and the taking of pictures of raw elephant tusks owned by Amb. Laviña by a Kenyan local hire and a Kenyan police officer in total disregard for the welfare and image of the Philippine Government;
2. For involving members of the Filipino community in the internal concerns of the Embassy;

On 17 July 1997, pursuant to Board Resolution No. 97-21, the Board of Foreign Service Administration (BFSA) created a Special Investigating Committee (SIC) to hear the charges against Amb. Nelson D. Laviña and Consul General Nestor N. Padalhin with former Undersecretary Leonides T. Caday as Chairman and with the following as Members: Asst. Sec. Jose Fernandez, Asst. Sec. Victor Garcia III, Asst. Sec. Marcellana Desales and Asst. Sec. Luz Palacios.

The SIC commenced hearings of the charges on 10 October 1997 with Amb. Laviña, represented by counsel, who opted for a formal hearing of his case. The hearings lasted until 10 June 1998.

On 5 January 1999 after due deliberations on the facts of the case, the SIC submitted its findings to the Board that Amb. Laviña is guilty of dishonesty, misconduct and gross violation of regulations and recommended his suspension for six (6) months and issue a letter of admonition. In its Resolution No. 99-07 dated 15 April 1999, the Board, by a majority vote of the voting members present (Undersecretary Rosario G. Manalo and Assistant Secretary Franklin Ebdalin inhibited themselves from participating in the deliberation of the Board on this case as both were members of the Fact-Finding Committee whose report was the basis for filing the administrative cases against Ambassador Laviña and Mr. Padalhin), resolved to affirm the SIC's findings and recommendations, as amended, to wit:

- a) that the Board endorse the Special Investigating Committee's findings and recommendations on the suspension of Amb. Laviña for six (6) months without pay and in view of Amb. Laviña's forty years of service to the Department, to recommend the acceptance of his offer to retire under R.A. 660 upon the service of said penalty;
 - a) xxx
 - b) xxx

On 11 June 1999, Amb. Nelson D. Laviña submitted to the Board his Omnibus Petition for Review and to Admit Newly Discovered Evidence. The Board of Foreign Service Administration at its *En Banc* Hearing held on 03 September 1999 deliberated on the Omnibus Petition for Review and to Admit Newly Discovered Evidence in connection with the Board Resolution No. 99-07 dated 15 April 1999 filed by Mr. Nelson D. Laviña, Chief of Mission. It was the Board's consensus, however, that Amb. Laviña be found guilty for one count of misconduct for the offense of illegally deducting from and/or appropriating for his own personal use the salaries and compensation of four (4) Kenyan local hires of the Philippine Embassy. Under the Civil Service Rules and Regulations, the offense of misconduct carries the penalty, for first offense, of suspension for one (1) month to six (6) months. For the aforesaid offense, the Board members agreed to recommend to impose the penalty of one (1) month and one day suspension without pay against Mr. Laviña. In making its recommendation for his penalty, the Board considered Amb. Laviña's forty (40) years of service with the Department and very satisfactory performance.

With respect to the charge against Consul General Padalhin, the Board found him guilty of simple misconduct and recommended that he be meted the penalty of suspension of three (3) months without pay with severe reprimand.

In view of the foregoing, this Office, after a careful study of the case concurs with the recommendation of the DFA Secretary and hereby orders that Ambassador Nelson D. Laviña, Chief of Mission I, be meted the penalty of one (1) month and one day suspension without pay, and that Consul General Nestor N. Padalhin, Chief of Mission II be meted the penalty of suspension of three (3) months without pay, with severe reprimand.

Done in the City of Manila, this 4th day of September, in the year of Our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 137
PROVIDING FOR THE CREATION OF AN INTER-AGENCY TASK FORCE ON THE
PREVENTION OF TUBERCULOSIS, TO BE CALLED “TASK FORCE TIBAY BAGA”,
AND FOR OTHER PURPOSES

WHEREAS, the 1987 Constitution provides that the State shall promote and protect the general well-being of the citizenry;

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 mandated for the devolution of the delivery of the health services and facilities as one of the basic functions and responsibilities of all local government units (LGUs) at all levels;

WHEREAS, surveys say that sixteen (16) million Filipinos are infected with tuberculosis (TB) and six hundred thousand TB cases are actively spreading the disease;

WHEREAS, the Philippines ranks third (3rd) in the Western Pacific Region and ninth (9th) worldwide in relation to the prevalence of TB cases, and is one of the twenty-two (22) countries, which belongs to the World Health Organization (WHO) watchlist;

WHEREAS, this government envisions the Philippines as a tuberculosis-free country by the year 2004;

WHEREAS, this vision will only be realized through a comprehensive and integrated strategy in detecting, treating and preventing the said disease;

NOW THEREFORE, I JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue vested in me by the Constitution and the laws, do hereby order:

Section 1. Declaration of Policy. It is the policy of the State that full and integrated delivery and development of health care services throughout the country must be promoted, encouraged and ensured, especially for the poor and marginalized sectors of society. Towards this end, the State shall provide for the participation and active involvement and collaboration of all local government units (LGUs) together with the stakeholders, particularly with the Department of Health (DOH) and the Department of the Interior and Local Government (DILG) with the main objective of eradicating tuberculosis by the year 2004.

Section 2. Organization of the Inter-Agency Task Force on the Prevention of Tuberculosis. The Inter-Agency Task Force on the Prevention of Tuberculosis, hereinafter referred to as the Task Force Tibay Baga, is hereby constituted to serve as the overall coordinating body to oversee and ensure adherence by all LGUs and stakeholders concerned to appropriate guiding principles in the implementation of a comprehensive and coordinative approach in eradicating TB.

Section 3. Composition of Task Force Tibay Baga. Within thirty (30) days after the approval of this Administrative Order, the Task Force Tibay Baga shall be convened and composed of the following:

LMP National President	–	Chairman
DOH Undersecretary	–	Co-Chairman
DILG Undersecretary	–	Member
DECS Undersecretary	–	Member
PCSO Chairman	–	Member
PAGCOR Chairman	–	Member
LPP National President	–	Member
LCP National President	–	Member
Liga ng Barangay National President	–	Member
Representatives from Two Non-Government Organization	–	Members

A Secretariat shall be organized to provide support to the Task Force Tibay Baga. The LMP National President and the DOH Secretary shall designate or appoint the head of the Secretariat. The members of the secretariat shall be composed of the following: Official representatives from the LMP, DOH, DILG, DECS, PCSO and PAGCOR, LPP, LCP, LnB, and NGOs concerned.

Section 4. Functions of Task Force Tibay Baga. Aside from the responsibilities mentioned under Section 2 hereof, Task Force Tibay Baga is likewise expected to perform the following specific functions:

1. Support and promote policies, programs and projects on health consistent with the Health Sector Reform Agenda (HSRA) that enhance local autonomy participation in eradicating tuberculosis;
2. Formulate partnership mechanisms among all the local government units (LGUs), National Government Agencies (NGAs), private sector, Non-Government Organization (NGOs) and civic groups to support the project Oplan: Tibay Baga;
3. Ensure that all LGUs shall give priority to Oplan: Tibay Baga in addition to the LGU identified minimum basic needs and ensure the allocation of funds for TB control;
4. Ensure that the integration of TB control activities in all local health plans are contained in the respective annual work and financial plans of the LGUs concerned following the National Health Objectives' standards and to assure the implementation and sustainability of the project;
5. Submit a semi-annual and year-end report to the Office of the President;
6. Organize a Project Evaluation Team to monitor and assess the project implementation; and
7. Perform other functions that may be delegated by the President or as may be deemed necessary by the Chairmen of the Task Force.

Section 5. Funding. The Office of the President shall provide Two Million Pesos (PhP2 Million) as an initial fund for the technical and administrative operations of the Secretariat of the Oplan: Tibay Baga. The National Government Agencies and other stakeholders concerned shall likewise provide funding assistance for the said project.

Section 6. Inter-Agency Coordination. All national government agencies concerned and attached agencies, LGUs, GOCCs and other instrumentalities of the government are hereby directed to cooperate and give their full support to the project.

Section 7. Effectivity. This Order shall take effect immediately.

Done in the City of Manila, this 29th day of September Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 138

RECONSTITUTING THE MEMBERSHIP OF THE RIZAL DAY NATIONAL COMMITTEE
IN CONNECTION WITH THE OBSERVANCE OF THE 104TH ANNIVERSARY OF THE
MARTYRDOM OF DR. JOSE P. RIZAL ON DECEMBER 30, 2000

I, **JOSEPH EJERCITO ESTRADA**, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby reconstitute the membership of the Rizal Day National Committee in connection with the observance of the 104th death anniversary of Dr. Jose P. Rizal on December 30, 2000, as follows:

The Chairman, National Commission for Culture and the Arts	–	Chairman
The Secretary, Department of Education, Culture and Sports	–	Co-Chairman
The Supreme Commander, Knights of Rizal	–	Co-Chairman
The Chairman & Executive Director, National Historical Institute	–	Vice-Chairman
The Secretary, Department of the Interior and Local Government	–	Member
The Secretary, Department of Public Works and Highways	–	Member
The Secretary, Department of National Defense	–	Member
The Secretary, Department of Tourism	–	Member
The Secretary, Department of Budget and Management	–	Member
The Secretary, Department of Foreign Affairs	–	Member
The Chief of Staff, Armed Forces of the Philippines	–	Member
The Director-General, Philippine National Police	–	Member
The Secretary, Office of the Press Secretary	–	Member
The Chief, Presidential Protocol Office	–	Member
The Head, Presidential Management Staff	–	Member
The Chairman, Metropolitan Manila Development Authority	–	Member
The Executive Director, National Parks Development Committee	–	Member
The Mayor, City of Manila	–	Member
The Mayor, Municipality of Calamba, Laguna	–	Member
The Mayor, City of Dapitan, Zamboanga del Norte	–	Member
The President, Kababaihang Rizalista	–	Member

To fittingly commemorate and properly disseminate nationwide the 104th anniversary of Dr. Jose P. Rizal, I do hereby authorize the Department of Budget and Management to release the amount of **THREE MILLION PESOS (P3,000,000.00)** from the President's Contingent Fund to defray expenses for the Year 2000 activities commemorating the martyrdom of Dr. Rizal.

This Administrative Order shall take effect immediately.

Done in the City of Manila, this 4th day of October, in the year of Our Lord, two thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 139
IMPOSING THE PENALTY OF SUSPENSION FOR TWO (2) MONTHS WITHOUT PAY ON
BENJAMIN V. DELA CRUZ, ASSISTANT CITY PROSECUTOR, CITY PROSECUTION
OFFICE OF QUEZON CITY

This refers to the administrative complaint filed by Teresita Tepace-Bumolo and Zenaida S. Insilay against respondent Assistant City Prosecutor Benjamin V. de la Cruz of the City Prosecution Office of Quezon City for gross neglect of duty.

The facts are undisputed.

On November 11, 1996, complainants filed criminal complaints for grave oral defamation and grave threats (docketed as I.S. Nos. 96-24586 and 96-24587) against a certain Aida Agustin. These cases were assigned to respondent for the conduct of preliminary investigation. After the parties have filed their respective pleadings, the cases were submitted for resolution.

Five (5) months later, the cases remain unresolved. This prompted complainants to file a motion for the early resolution of the said cases. When respondent still failed to resolve their cases, complainants sought the assistance of then Quezon City Prosecutor Candido Rivera to convince respondent to act on their cases. Similarly, complainants sought the aid of the Office of the Ombudsman to facilitate the early resolution of the cases. However, despite the intercessions of both the City Prosecutor and the Office of the Ombudsman, the cases remained unacted.

Aggrieved by these unreasonable delays, complainants filed with the Department of Justice (DOJ) an administrative complaint against the respondent. On October 30, 1997, Chief State Prosecutor (CSP) Jovencito R. Zuño endorsed the said complaint to respondent and directed him to submit his comment and/or answer thereon within ten (10) days from receipt thereof. On February 6, 1998, CSP Zuño again directed respondent to submit his answer to the administrative complaint. To date, respondent failed to heed these directives.

On the basis thereof, respondent was formally charged by the DOJ with gross neglect of duty and a formal investigation was initiated relative thereto. On the scheduled hearing, only complainants appeared while respondent was conspicuously absent. Thus, upon motion of the prosecuting attorney, the case was submitted for resolution. On the basis of available records, respondent was found guilty of the said charge and the Secretary of Justice recommended the penalty of suspension from office for a period of two (2) months without pay.

We agree with the findings and recommendation of the DOJ. Section 3, Rule 112 of the Revised Rules on Criminal Procedure, which outlines the uniform procedure for conducting a preliminary investigation in accord with Presidential Decree No. 911, provides the following, to wit:

“Section 3. Procedure – Except as provided for in Section 7 hereof, no complaint or information for an offense cognizable by the Regional Trial Court shall be filed without a preliminary investigation having been conducted in the following manner:

a) The complaint shall . . . be accompanied by affidavits of complaint and his witnesses, as well as other supporting documents x x x;

b) If the investigating officer finds no ground to continue with the inquiry, he shall dismiss the complaint. Otherwise, he shall issue a subpoena to the respondent attaching thereto a copy of the complaint, affidavits and to the supporting documents and granting him ten (10) days from receipt hereof within which to submit counter affidavits and other supporting documents;

xxx

xxx

xxx

f) *Thereafter, the investigation shall be deemed concluded and the investigating officer shall resolve the case within ten (10) days therefrom.* Upon the evidence thus adduced, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.” (emphasis ours)

While the foregoing provision only provides for a ten (10)-day period within which to resolve cases under preliminary investigation, the DOJ, thru Department Circular No. 49 dated July 14, 1993, grants more leeway to prosecutors by allowing them a reglementary period of up to sixty (60) days within which to resolve cases under preliminary investigation. Non-observance of this requirement constitutes a ground for administrative sanction against the defaulting prosecutor. In certain meritorious cases, *i.e.*, those involving difficult questions of law or complex issues, the DOJ allows the prosecutors a longer period to decide the case, but only upon proper application therefrom has been made by the concerned prosecutor.

There is no question that respondent failed to decide the cases within the prescribed reglementary period. From the time the cases were submitted for resolution up to the time he was administratively charged by the DOJ, which spans more than two (2) years, respondent has not resolved the cases filed by the complainants. The intercessions of the City Prosecutor and the Office of the Ombudsman proved to be futile. Such conduct of respondent is unreasonable, inexcusable and highly deplorable. It violates the complainants’ constitutional right to due process and to speedy disposition of their cases. Prosecutors are mandated to adhere to the 60-day period within which to resolve cases under preliminary investigation. Otherwise, the public’s trust on our prosecution will be jeopardized.

All prosecutors are reminded that, for the common people, justice means the fair and prompt disposition of cases. This is necessary not only to eradicate the docket congestion in our prosecution office, but also to keep the people’s faith in our prosecution system.

WHEREFORE, and as recommended by the Secretary of Justice, Assistant City Prosecutor Benjamin V. Dela Cruz is hereby **SUSPENDED** from office for a period of two (2) months without pay.

DONE in the City of Manila, this 4th day of October, in the year of our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 140
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT PROVINCIAL
PROSECUTOR ARTURO G. CABARON, PROVINCIAL PROSECUTOR'S OFFICE OF CEBU

This refers to the formal charge (Administrative Case No. 95-010) against Arturo G. Cabaron, Assistant Provincial Prosecutor (APP), Provincial Prosecutor's Office of Cebu, for grave misconduct.

The formal charge stemmed from the alleged extortion by APP Cabaron thru his wife Brigida Cabaron (Brigida, for brevity), from the party-litigants relatives of litigants in the cases involving Josefina Aljo and Pablo Maningo. The facts of each case are treated separately, thus:

RE: Josefina Aljo case

Aljo testified that sometime in December, 1992, after being introduced by Rev. Zacarias Perocillo, her church pastor, to APP Cabaron, she sought the advice of the latter regarding five (5) bouncing checks issued to her by Gemma Clausen. APP Cabaron and Brigida assured her, "kami ang bahala diyan". On December 8, 1992, she brought the rubber checks to APP Cabaron's office and Brigida prepared the complaint-affidavit. A week later, Aljo went back to Cabaron's office and, as agreed upon, gave Brigida two envelopes: one, containing Five Thousand Pesos (P5,000.00) as partial payment for the attorney's fees of Atty. Quijano, and the other, containing Three Thousand Pesos (P3,000.00) for Brigida.

The criminal complaint against Clausen was assigned to APP Cabaron for preliminary investigation. During the hearing held in May 1993, Brigida convinced Aljo, in the presence of APP Cabaron, to withdraw her complaint against Clausen because the latter had showed them two (2) checks worth one million (P1, 000,000.00) pesos each, which she (Clausen) could encash after forty-five (45) days. Aljo did not see the checks but she trusted the Cabarons because they were recommended to her by her church pastor. As per Brigida's instruction, Aljo signed the affidavit of desistance prepared by Atty. Quijano. Brigida thereafter reminded her to pay Atty. Quijano the balance of Seven Thousand Pesos (P7,000.00) for his attorney's fees. Subsequently, Brigida borrowed the amount of Ten Thousand Pesos (P10,000.00) from Aljo. At the expiration of the forty-five day period, Aljo discovered that the said million-peso checks was a "fraud".

Faith Petrocillo, pastor of the El Shaddai Congregation, testified that Aljo authorized him to collect the Ten Thousand Pesos (P10,000.00) from Brigida.

RE: Pablo Maningo case

Helen Maningo (Helen, for brevity), testified that on May 31, 1994, she went to the Regional Office of the National Bureau of Investigation (NBI) and executed a sworn statement against the Cabaron spouses in connection with the arrest of Pablo Maningo, her brother-in-law, during a raid in his house by elements of the PNP-CISC for illegal possession of ammunition on April 19, 1994. The case against Pablo Maningo was assigned to APP Cabaron for inquest. Helen and her companions

attended the inquest proceedings. Brigida interviewed Pablo Maningo and his witnesses. APP Cabaron did not participate in the clarificatory examination. When Pablo Maningo informed them that his lawyer was Atty. Rolindo Navarro, Brigida recommended Atty. Quijano under the pretext that Atty. Navarro had some personal conflict with APP Cabaron. Brigida, in the presence of APP Cabaron, demanded and received from Helen an acceptance fee of Twenty Thousand Pessos (P20,000.00) for Atty. Quijano. Brigida promised Helen that the case could be amicably settled with the help of APP Cabaron and two (2) other prosecutors. On April 22, 1994, Helen went back to APP Cabaron's office, as instructed, to discuss the settlement of the case. Brigida informed her that the amount needed for the three (3) prosecutors was Seventy-Five Thousand Pesos (P75,000.00), to be delivered to the Cabaron residence. On the next day, Helen, together with Florecita Lapag, gave the amount of Fifty Thousand Pesos (P50,000.00) to Brigida. On April 28, 1994, APP Cabaron and Brigida instructed Pablo Maningo to look for a military man who would admit ownership of the seized ammunition. The idea baffled Pablo Maningo since he thought that he had a good defense because the place where the ammunition was seized was leased to Roberto Castanas. As per Cabaron's instruction, an affidavit was prepared for SPO3 Maximo Parawan of the Danao City Police Station. However, said officer, although willing to have his name used in the memorandum receipt, was reluctant to swear to a falsehood. Brigida reminded Helen of the balance of Twenty-Five Thousand Pesos (P25,000.00) which was to be paid on installment basis at Five Thousand Pesos (P5,000.00) per installment.

SPO3 Parawan corroborated the statements of Helen regarding the advice to them of APP Cabaron to look for someone from the military or the PNP who would admit ownership of the seized ammunition.

In defense, APP Cabaron denies the charge and avers that he dismissed the aforestated complaint filed by Aljo against Clausen on the basis of Aljo's affidavit of desistance.

With respect to the Maningo case, he contends that Helen Maningo, who followed-up the complaint against Pablo Maningo, was discourteous and demanding in asking for the early resolution of the case. He responded by saying "I will resolve the case based on the evidence on record". Helen's complaint against him before the Ombudsman was dismissed for insufficiency of evidence. The similar case which was filed against him by the NBI before the Ombudsman was also dismissed.

For her part, Brigida Cabaron argues that she never misrepresented herself as an employee of the Department of Justice; that she never transacted with Aljo, in that, she is able to fix her case by proffering the services of Atty. Quijano as her lawyer; that she borrowed money from Aljo in the course of the latter's business undertaking and not with the promise to exert influence on APP Cabaron to decide the case in her favor; and that, she had already paid her indebtedness to Aljo.

With respect to the complaint filed by Helen Maningo against them, Brigida claims that the first time she met Helen was in the office of APP Cabaron when she was following-up a case. The second time was when Helen went to their house, pleading that she be permitted to talk to APP Cabaron.

After the formal investigation, the Secretary of Justice found that the testimonies of the complainants and their witnesses were more credible than those of the respondents, thus proving the imputation of grave misconduct by substantial evidence, which is the quantum of proof required in administrative cases. The affidavits in support of the complaint were executed by disinterested persons who were not expected to fabricate the same for purposes of lending credence to the complaint and their statements were straightforward, consistent and logical even when subjected to the intensive cross-examination by the defense counsel. All the testimonies yielded the following: that Brigida Cabaron was a permanent fixture in the office of APP Cabaron; her imposition upon the complainants for the availment of the services of Atty. Quijano, coupled with the demand for the payment of his attorney's fees; and, the collection of additional amounts for APP Cabaron and herself.

APP Cabaron seemed to have been oblivious of the basic tenet that his office is a public trust, which exacts moral righteousness and uprightness. As such official, he must comport himself at all times in such manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public who look up to him as the epitome of integrity and justice.

WHEREFORE, APP Arturo G. Cabaron is hereby found administratively liable for grave misconduct in the performance of his duties. Consequently, he is hereby dismissed from the service with forfeiture of all benefits and disqualification from re-employment in the government service.

DONE in the City of Manila, this 4th day of October, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 141

RECALLING ADMINISTRATIVE ORDER NO. 97 DISMISSING VIGOR D. MENDOZA II,
BOARD MEMBER, LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD,
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS, FROM THE SERVICE

On November 23, 1999, this Office issued Administrative Order (AO) No. 97 dismissing Vigor D. Mendoza as Board Member, Land Transportation Franchising and Regulatory Board (LTFRB), for having issued a memorandum, under his sole signature, ordering the respective heads of the LTFRB's Technical and Legal Division to receive applications for PUB Certificate of Public Convenience (CPC) and setting all pending cases for hearing, notwithstanding the LTFRB's existing moratorium policy on the matter.

On January 4, 2000, respondent filed a motion for reconsideration.

For its part, the Department of Transportation and Communications (DOTC), through Secretary Vicente C. Rivera, Jr., sought the recall of the aforementioned Administrative Order on the ground that respondent merely acted pursuant to endorsements/recommendations from the DOTC. Furthermore, it is urged that the issuance of the subject memorandum did not in any way lift, alter, or change the existing moratorium policy.

Based on the foregoing representations, it would appear that respondent acted, under the premises, in good faith and without any dishonest motive. Accordingly, the finding by the Presidential Commission Against Graft and Corruption upon which AO No. 97 was principally predicated is without factual basis.

WHEREFORE, and as recommended by the Department of Transportation and Communications, Administrative Order No. 97 dated November 23, 1999, is hereby recalled. Accordingly, VIGOR D. MENDOZA II, shall remain in his position and shall continue in the exercise of his duties as Board Member, Land Transportation Franchising and Regulatory Board.

DONE in the City of Manila, this 21st day of October, in the year of Our Lord, two thousand.

(Sgd.) **JOSEPH EJERCITO ESTRADA**

By the President:

(Sgd.) **RONALDO B. ZAMORA**

Executive Secretary

Source: Presidential Museum and Library

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 142
REPRIMANDING RESPONDENT ROGER P. PEREZ, EXECUTIVE DIRECTOR OF THE
COMMISSION ON HIGHER EDUCATION (CHED).

This is an administrative case against Dr. Roger P. Perez, formerly Officer-in-Charge of the National Capital Region (NCR) of the Commission on Higher Education (CHED) and currently Executive Director of the said Commission, for (1) selling in 1999 thesis and dissertation books stored at the Commission on Higher Education (CHED), NCR, to the La Salette College in Isabela; and (2) serving as professor on weekends in the Graduate School of the University of La Salette, Isabela City. The charges were investigated by the Presidential Commission Against Graft and Corruption (PCAGC).

The action of the Commission on the complaint as well as its findings and recommendation thereon embodied in its Resolution dated March 14, 2000, are hereunder quoted, to wit:

“The charge against respondent Roger P. Perez, who was then the Officer-in-Charge of CHED-NCR, and presently the Executive Director of the Commission on Higher Education, consist of two (2) specifications: (1) that as the then OIC of CHED-NCR, respondent sold or caused the sale to the University of La Salette of Santiago City of the thesis and dissertation books submitted by private schools to the CHED-NCR, in order to raise funds with which to procure computer units and a television set for use of the office; and (2) that respondent served as a professor on weekends in the Graduate School of the said University.

“For his defense as contained in his verified Answer dated September 22, 1999 and in his Position Paper dated October 26, 1999 (Records, pp. 45-57), in relation to the first specification above, respondent Perez denies having sold to the University of La Salette the thesis and dissertation books on file in the storeroom of CHED-NCR, although he admits having allowed the said University to take possession of the said materials for free or without any monetary consideration whatsoever.

“Further, respondent avers that the computer units adverted to in the complaint have been actually donated to the CHED-NCR by the University of La Salette while the television set was purchased from available office funds; that he acted well within his authority as the then head of CHED-NCR, since the subject thesis and dissertation books are not considered “records” within the purview of Department Order No. 13-A dated February 3, 1988, so that the disposition of said materials was at his discretion as the then agency head concerned; that even before he took over as OIC of CHED-NCR, the previous head of said office had allowed other institutions of higher learning to secure copies of the thesis and dissertation books from its storeroom; that he did not act maliciously nor negligently when he allowed the University of La Salette to take possession of the questioned materials since before he took action, he sought the advice of the Records Officer of CHED-NCR and was informed that there were no formalities

in the disposal of said records inasmuch as they are not technically government property; and that he has not in any way benefited personally from the fact that he allowed the University of La Salette to take the questioned books for use in its library.

“Respondent attached to his Answer a copy each of the Memorandum of Agreement dated January 19, 1999 and Deed of Donation dated January 23, 1999, both of which he signed with Rev. Romeo B. Gonzales, MS, of the University of La Salette (Records, pp. 36-40).

“Anent the second specification of having served as ‘professor on weekends,’ respondent denies having been a regular professor at the University of La Salette, although he admits having conducted lectures on specific topics every now and then in the Graduate School of said University for which he received a token honorarium in the amount of P500.00 for every lecture that he conducted. Corollarily, respondent points out that even admitting for the sake of argument that he was a part-time professor at the University of La Salette, he was at the time armed with an authority to teach signed by then CHED Chairman Angel C. Alcala (Records, p. 63).

“The issue to be resolved in the instant case are as follows:

“1. Re: Disposition of thesis and dissertation books –

- (a) Whether or not respondent Perez as the then OIC of CHED-NCR was authorized to dispose of the questioned thesis and dissertation books, University of La Salette to take possession of the same;
- (b) Whether or not the computer hardwares donated to CHED-NCR by the University of La Salette, in token of its appreciation for the bestowal of the questioned thesis and dissertation books to it, have been properly booked-up as required under government rules and regulations; and
- (c) Whether or not there are graduate students who may have been prejudiced as a consequence of the transfer of the subject thesis and dissertation books to the University of La Salette from CHED-NCR?

2. Re: Teaching Activities –

Whether or not respondent Perez’ teaching activities at the University of La Salette is violative of any existing law or rule?

“After a careful evaluation of the records, this Commission finds that on the basis of the Memorandum of Agreement dated January 19, 1999, which respondent Perez entered into for the Commission on Higher Education-NCR with Rev. Romeo B. Gonzales of the University of La Salette, 1971 copies of

thesis and dissertation books have been transferred from CHED-NCR to the said University (Records, p. 85).

“In this connection, this Commission believes that in relation to issue 1(a) above the contention of respondent that the subject thesis and dissertation books do not constitute ‘records’ within the purview of DECS Department Order No. 13-A dated February 3, 1988, does not hold water. Said Department Order under its Definition of Terms (Article II) provides:

‘Records. Any paper, book, photograph, motion picture, film, microfilm, X-ray films, sound recording, drawing map or other document of any physical form or character whatever or any copy thereof, that has been made by any entity or received by it in connection with the transaction of public business, and has been retained by that entity or its successor, as evidence of the objectives, organizations, functions, policies, decisions, procedures, operations or other objectives of the government or because of the information contained therein’ (Underscoring supplied).

“Thus, contrary to the claim of respondent, it is clear and definitive on the basis of the aforequoted provision that the subject thesis and dissertation books are ‘records’ under the contemplation of Department Order No. 13-A of the DECS, since it cannot be denied that the said books have been submitted to and received of CHED-NCR as part of the supporting papers for applications of private institution of higher learning for the issuance of special orders for graduation of students from their respective programs at the graduate level, and that the list of specific documents under the General Records Disposition Schedule of said Department order is certainly not exclusive nor all-embracing.

“Likewise the submission of respondent to the effect that in allowing the University of La Salette to take possession of the subject thesis and dissertation books, he acted well within his authority as the then OIC of CHED-NCR, which had custody of the said books, and did not commit any breach of any existing laws, rules or regulations on account of said disposition of the subject thesis and dissertation books, yet it cannot be denied that his authority on the matter, if any, is not plenary, in the sense that his action or decision on the disposition of unnecessary or useless records of the agency is subject to the approval of his department head, as may be gleaned from Section 49, Chapter 12, Book I of Executive Order No. 292, and the disposal of unnecessary or useless records of an agency is subject to the audit jurisdiction of the Commission on Audit (COA), compliance with requirements on records disposition as prescribed by the Records Management and Archives Office (RMAO), and submission of a report on such disposal to the said Office, as provided in Sections 10 and 11 of Executive Order No. 301 (1987) as implemented through Department Order No. 12-A dated February 3, 1988 of the Department of Education, Culture and Sports (DECS). Needless to say, respondent Perez failed to comply with all of the said requirements under the relevant laws and rules.

“Neither is it valid as a defense for respondent Perez to cite the previous similar actions of his predecessor in office at CHED-NCR, who has already retired from the government service, in having likewise allowed in the past other schools to secure copies of the subject thesis and dissertation books from the storeroom

of CHED-NCR, for the simple reason that such actions were clearly unauthorized and violative of existing law or rules.

“Fortunately for respondent, in the present case it is evident that in deciding on the disposition of the subject thesis and dissertation books he was guided by good faith and imbued only with good motives as borne out by the fact that his action on the matter had been reduced unto writing, which he could have done surreptitiously had he been motivated and/or disposed otherwise; and that in the ultimate analysis, it is quite obvious that the transaction with respondent Perez had with the University of La Salette on the subject thesis and dissertation books, did not result in any disadvantage or injury to the Government.

“For this violation, therefore, respondent Perez should be held accountable and liable only for the light offense of **NEGLECT OF DUTY**.

“Regarding issue 1(b) above, the respondent submitted as part of his evidence a copy of the Invoice Receipt for Property dated February 15, 1999, signed by him, for the computer hardwares donated to CHED-NCR by the University of La Salette (Records, p. 64). Since the evidence submitted was not considered as a sufficient proof to show that the donated items were then properly booked-up as government properties, the CHED Resident Auditor Ms. Luzviminda V. Rubico, State Auditor IV, was requested to verify the relevant records in CHED-NCR and she submitted the following report:

‘x x x the undersigned verified the ‘Certified True Xerox Copy’ of the invoice Receipt for Property from the original. I also accounted the donations and verified the corresponding Memorandum Receipts. Order donated units were not issued yet, hence no MR but were found to be stored in the Office of the Director. Also found were two units overhead projector, per Deed of Donation four pointers were listed but three was (sic) actually counted. As alleged, the other printer was exchanged for four scanners.

‘The donations were booked-up per JV No. 0523641 dated October 22, 1999 in the amount of P511,402.72. The printers and projectors were booked up without cost’ (Records, pp. 66-76).

“On the basis of the aforequoted report of the CHED Resident Auditor, it is clear that although belatedly, the donated computer items from the University of La Salette had been properly booked-up as government properties as of October 22, 1999.

“Accordingly, it is the sense of this Commission that respondent Perez’ accountability on this issue is considered moot and academic.

“Anent issue 1(c) above, it is believed that the respondent’s explanation to the effect that it could not have been possible for any student to have been prejudiced as a consequence of the questioned disposal of the subject thesis and dissertation books, for the reason that the said records ‘were merely stored inside the storeroom’ of the CHED-NCR, and the same records could not be systematically filed nor properly maintained since the CHED-NCR does not maintain a library in which the materials could have been housed and neither does

the said Office employ a librarian, should be considered as satisfactory. At any rate, considering that the present complaint is anonymous, there was simply no feasible way of determining the graduate students who may have been prejudiced by the respondent's action.

"Finally, the Commission found no contradictory evidence to belie the denial interposed by respondent that he has been a regular professor at the University of La Salette; nor on his admission that he only occasionally conducted lectures on specific topics in the Graduate School of the said University, for which, he was paid a token honorarium of P500.00 for every lecture that he conducted, which was confirmed or corroborated by the President of the University of La Salette. Additionally, respondent points out that even assuming for the sake of argument that he was a part-time professor in the said University, he was, however, provided at the time with an authority to teach signed by then CHED Chairman Angel C. Alcala.

"This Commission believes that on this specification respondent Perez has not violated any law or rule, since his involvement of conducting lectures on specific topics every now and then in the Graduate School of the University of La Salette for which he was correspondingly compensated in the form of a token honorarium, does not constitute employment; and that, moreover, since the University of La Salette is situated outside the territorial jurisdiction of CHED-NCR, it is axiomatic that respondent Perez as the then OIC of CHED-NCR did not have any direct supervisory or regulatory ascendancy or authority over the said University.

"This specification should, therefore, be likewise set aside.

"**WHEREFORE**, premises considered, it is hereby recommended to His Excellency, President Joseph Ejercito Estrada, that respondent Roger P. Perez, formerly Officer-in-Charge of the National Capital Region of the Commission on Higher Education, be **REPRIMANDED** for the unauthorized disposal of the subject thesis and dissertation books at the CHED-NCR, in violation of Section 49, Chapter 12, Book 1 of Executive Order No. 292 and Sections 10 and 11 of Executive Order No. 301 (1987), as implemented by Department Order No. 13-A dated February 3, 1988 of the Department of Education, Culture and Sports. It is further recommended that the charge against the respondent for serving as professor on weekends in the Graduate School of the University of La Salette be dismissed for lack of merit.

"**SO RESOLVED**".

After a careful review of the case, I concur in the findings and recommendations of the PCAGC.

WHEREFORE, and as recommended by the Presidential Commission Against Graft and Corruption, respondent Roger P. Perez, formerly OIC of CHED-NCR and currently Executive Director of the Commission on Higher Education (CHED), is hereby **REPRIMANDED** for violation of Section 49, Chapter 12, Book I of Executive Order No. 292 and Sections 10 and 11 of Executive Order No. 301 (1987), as implemented by Department Order No. 13-A dated February 3, 1988 of the Department of Education, Culture and Sports.

DONE in the City of Manila, Philippines, this 20th day of October, in the year of Our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:
(Sgd.) RONALDO B. ZAMORA
Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 143

CONSTITUTING A MANAGEMENT COMMITTEE FOR THE ORGANIZATION,
IMPLEMENTATION AND STAGING OF THE “ALAY SA PANGULO” NATIONWIDE
MARATHON TORCH RELAY FOR PEACE, UNITY AND DEMOCRACY SCHEDULED
DECEMBER 17, 2000 TO JANUARY 22, 2001

WHEREAS, the “ALAY SA PANGULO” MARATHON TORCH RELAY is a nationwide activity aimed at stirring public consciousness on the value of peace, unity and democracy as the basic foundations of our society;

WHEREAS, the “ALAY SA PANGULO” MARATHON TORCH RELAY equally aims to create a society of active participants in the task of nation-building by teaching them to appreciate the values of mental and physical fitness resulting in a sound mind and a sound body;

WHEREAS, the “ALAY SA PANGULO” MARATHON TORCH RELAY will involve the entire levels of Philippine society – young and old alike – who will support and strengthen constitutional processes as the means to achieve peace, unity and democracy.

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. A Management Committee (MC) headed by the joint chairmanship of the President of the League of Municipalities of the Philippines and the Chairman of the Philippine Sports Commission, co-chaired by the Undersecretary of the DILG, with a representative from the private sector, a representative each from the Department of Trade and Industry, Philippine Tourism Authority, Philippine Amusement and Gaming Corporation (PAGCOR), Philippine Charity Sweepstakes Office, GSIS as members, is hereby constituted to oversee and undertake all necessary preparations for the organization, implementation and staging of the “ALAY SA PANGULO” marathon torch relay scheduled December 17, 2000 to January 22, 2001.

SEC 2. All concerned government departments, agencies and offices including government owned and controlled corporations, whose assistance will be sought by the PMC are directed to extend their support and resources to the “ALAY SA PANGULO” MARATHON TORCH RELAY.

SEC 3. The amount necessary for this project, including the operations of PMC, its secretariat and working groups, shall come from sponsorships, donations, grants, contributions, proceeds from allied activities, or any form of assistance from any private or government entities.

SEC 4. The Organizing Committee as chaired by the Secretary General of the LMP being the initiator of the “ALAY SA PANGULO” will exercise authority, management, operations and implementation of said **PROJECT** to its successful conclusion.

SEC 5. The PTA is authorized to source funds from its trust liability account, pursuant to Section 3 of Executive Order No. 46 (September 4, 1986) to support the mobilization of “ALAY SA PANGULO” MARATHON TORCH RELAY.

SEC 6. This Administrative Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 9th day of December, in the year of Our Lord, two thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 144

DELEGATING TO THE MAJOR SERVICES' COMMANDERS, ARMED FORCES OF THE PHILIPPINES (AFP), THE AUTHORITY TO APPROVE THE RETIREMENT AND SEPARATION FROM THE MILITARY SERVICE OF AFP ENLISTED PERSONNEL

WHEREAS, Presidential Decree No. 1638, as amended by Presidential Decree No. 1650, also known as the "AFP Military Personnel Retirement and Separation Decree of 1979," established a system of retirement and separation from the service for the AFP military personnel;

WHEREAS, in the implementation of said law, the practice has been to secure presidential approval of the compulsory retirement of military personnel;

WHEREAS, the authority to approve the compulsory retirement of officers and enlisted men of the AFP has been previously delegated by the President to the Secretary of National Defense by virtue of Administrative Order No. 150, series of 1990, in pursuance of the government's policy of decentralization and administrative delegation of functions;

WHEREAS, the Major Services' Commanders are entrusted with the responsibility for the recruitment enlistment, re-enlistment and promotion of enlisted AFP personnel, such that, approval action relative to their retirement and separation from the service can be better discharged by the Major Service Commanders;

WHEREAS, military policy dictates enhancement of personnel administration, particularly, the availment by enlisted personnel of retirement and separation benefits;

NOW, THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, do hereby delegate to the Major Service Commanders, Armed Forces of the Philippines the authority to approve the retirement and separation from the service of enlisted personnel of the Armed Forces of the Philippines, in accordance with existing laws on retirement and separation.

The Secretary of National Defense is empowered to promulgate specific rules and regulations to carry out this delegation of authority.

All issuances, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Administrative Order are hereby repealed or modified accordingly.

Done in the City of Manila, this 9th day of December, in the year of our Lord, Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Office of the President of the Philippines. (2000). *[Administrative Order Nos.: 1 - 144]*. Manila: Presidential Museum and Library.

MALACANANG
MANILAADMINISTRATIVE ORDER NO. 145
DISMISSING VIRGILIO S. LACSON, COUNCILOR, MALABON, METRO MANILA,
FROM THE SERVICE.

This refers to the administrative complaint filed by Consuelo Torres-Pili and seven (7) other councilors of Malabon, Metro Manila, against Councilor Virgilio S. Lacson of the same municipality charging the latter for “*unjustified prolonged absence*” and praying in effect that he be dismissed from the service.

Records yield the following facts:

Sometime in June 1999, Lacson went to the United States purportedly to accompany his mother who was diagnosed to be suffering from cancer. In relation with this trip, Lacson applied and was later able to secure approval for a 15-day leave of absence, starting June 28, 1999. Subsequently, Lacson, through Jose Carpio Jr., his legislative staff officer, addressed a letter to Mayor Amado S. Vicencio of Malabon dated July 29, 1999, seeking an extension of his leave of absence, without, however, specifying the number of days he will be on leave. Similar letters-requests were sent to Malabon Vice Mayor Jay G. Yambao and then Secretary Ronald V. Puno of the Department of Interior and Local Government (DILG), Vice Mayor Yambao approved the desired extension, but only for a period allowed by law and regulation which, as stated in Municipal Resolution No. 35-2000, *infra*, is for thirty (30) days.

After the lapse of the thirty-day extended leave of absence aforementioned, nothing was heard of from Lacson or his staff.

On March 30, 2000, the Sangguniang Bayan of Malabon, noting that Lacson “*has been absent without official leave for more than six (6) months*”, passed Resolution No. 35-2000 thereby resolving to forward to this Office, through the DILG, the matter of absence without official leave of Lacson. This was followed by Resolution No. 60-2000, requesting this Office, through the DILG Secretary, to declare vacant the position of Councilor Lacson “*due to his prolonged absence without official leave (more than eight (8) months)*.”

In a letter of June 8, 2000, Vice Mayor Yambao forwarded to DILG Secretary Alfredo S. Lim a copy of Resolution No. 60-2000, with a request that the same be dispositively acted upon.

On July 3, 2000, Councilor Torres-Pili, *et al.*, issued a certification attesting to the passing of Resolution No. 60-2000, *supra*, and affirming its contents.

In the light of the above certification which it regarded as a complaint against Lacson, the DILG directed Lacson to file his answer thereto, which he did via a counter-affidavit dated August 22, 2000.

From the above narration, it is clear that Lacson went on leave for at least eight (8) months without informing the authorities concerned, let alone filing an application for leave. In net effect, he abandoned his duties as councilor of Malabon to the prejudice of his constituents who elected him and whom he swore to serve with utmost responsibility, integrity and efficiency (*Belvis vs. Fernandez*, 256 SCRA 455).

A few days absence, or a few weeks for that matter, without leave may perhaps be tolerated. Not so when one absents himself without an approved leave or justification for about eight (8) months straight, as here.

Lacson's invocation in his counter-affidavit of Section 47 of the Local Government Code of 1991 (R.A. No. 7160), providing "*whenever the application for leave of absence [of local elective officials] . . . is not acted upon within five (5) days after receipt there, the application . . . shall be deemed approved*" — — is clearly misplaced. The reason is simple. Both applications for leave filed by Lacson owing to his stay in the United States were acted upon favorably. And least it be overlooked, Lacson never filed an application to cover his absence — an eight-month stretch, to stress — after enjoying his extended leave.

In all, this Office finds Lacson guilty of prolonged unauthorized absence, an infraction which may be considered as or amounts to grave misconduct, taking into account the length of time involved in his absence. For this offense, no less than dismissal from the service is warranted, a penalty that the Civil Service Omnibus Rules Implementing Book V of Executive Order No. 292 prescribes.

WHEREFORE, Virgilio S. Lacson is hereby ordered DISMISSED from the service as City Councilor of Malabon, Metro Manila. The Department of Interior and Local Government shall implement this Decision immediately.

SO ORDERED.

Manila, Philippines, January 5, 2001

(Sgd.) JOSEPH EJERCITO ESTRADA
President of the Philippines

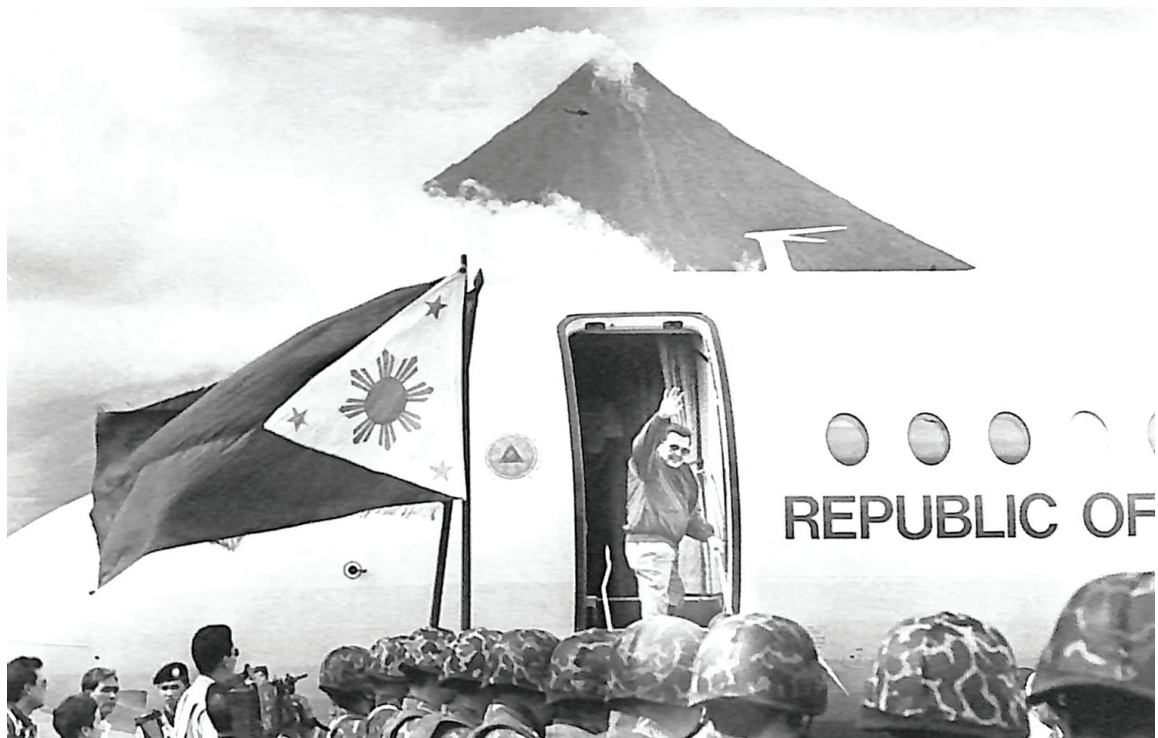
By the President:

(Sgd.) RONALDO B. ZAMORA

Executive Secretary

Source: **Presidential Museum and Library**

Estrada, J. E. (2001). Administrative Order No. 145: Dismissing Virgilio S. Lacson, Councilor, Malabon, Metro Manila, from the service. *Official Gazette of the Republic of the Philippines*, 97(11), 1617-1618.



For his trip to Bicol, the President boards a Philippine Airlines plane from the Legazpi Airport for Manila.

